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AMEND THE FEDERAL SEED ACT

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HEARING BEFORE THE COMMITTEE ON AGRICULTURE HOUSE OF REPRESENTATIVES

EIGHTY-NINTH CONGRESS

SECOND SESSION

ON

H.R. 15662, H.R. 16280, H.R. 16397,
H.R. 16737 and H.R. 16889

AUGUST 23, 1966

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AMEND THE FEDERAL SEED ACT

TUESDAY, AUGUST 23, 1966

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The committee met, pursuant to notice, at 10:15 a.m., in room 1301, Longworth House Office Building, Washington, D.C., Hon. W. R. Poage presiding.

Present: Representatives Cooley (chairman), Poage, Gathings, Stubblefield, Matsunaga, O'Neal, de la Garza, Greigg, Callan, Dague, Belcher, Teague of California, Quie, Harvey, Dole, and Resident Commissioner Polanco-Abreu.

Also present: Christine S. Gallagher, clerk; Hyde H. Murray, assistant clerk; John J. Heimburger, general counsel; and Fowler C. West, staff.

Mr. POAGE. The committee will please come to order.

Chairman Cooley will be here shortly, but we will start in the meantime.

We have before us several bills, H.R. 15662, H.R. 16889, H.R. 16280, H.R. 16397, and H.R. 16737, together with the report from the Department dated August 22, 1966, which will be made a part of the record at this time.

(H.R. 15662 introduced by Mr. Cooley, H.R. 16280 introduced by Mr. Abernethy, H.R. 16397 introduced by Mr. Dole, H.R. 16737 introduced by Mr. Matsunaga, and H.R. 16889 introduced by Mr. de la Garza are similar bills, the text of which follows together with the departmental report.)

[H.R. 15662, 89th Cong., 2d sess.]

A BILL To amend the Federal Seed Act (53 Stat. 1275), as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 101(a)(1), 101(a)(8)(A)(ii), 101(a)(9)(A)(ii), and 101(a)(10) of the Federal Seed Act (53 Stat. 1275, 1277, 1278; 70 Stat. 908, 7 U.S.C. 1561(a)(1), 1561(a)(8)(A)(ii), 1561(a)(9)(A)(ii), and 1561(a)(10)) are hereby amended by deleting therefrom the words "Alaska" and "Hawaii" and the commas appearing after such words.

SEC. 2. Section 101(a)(7)(A) of said Act (53 Stat. 1276; 72 Stat. 476, 7 U.S.C. 1561(a)(7)(A)) is amended to read as follows:

"(A) 'Agricultural seeds' shall mean grass, forage, and field crop seeds which the Secretary of Agriculture finds are used for seeding purposes in the United States and which he lists in the rules and regulations prescribed under section 402 of this Act."

SEC. 3. Section 101(a)(11) of said Act (53 Stat. 1278; 7 U.S.C. 1561(a)(11)) is amended by substituting for the words "wheat", "oat", "vetch", and "sweet- clover" the words "soybean", "flax", "carrot", and "radish."

SEC. 4. Section 201(a) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)) is amended by changing the introductory portion thereof to read as follows:

"(a) Any agricultural seeds or any mixture of agricultural seeds for seeding purposes, unless each container bears a label giving the following information, except as provided in paragraph (j) of this section of seed mixtures intended for

lawn and turf purposes, in accordance with rules and regulations prescribed under section 402 of this Act."

SEC. 5. Section 201(a)(1) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)(1)) is amended to read as follows:

"(1) The name of the kind or kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: *Provided*, That if any kind of seed is present which the Secretary of Agriculture has determined, in rules and regulations prescribed under section 402 of this Act, is generally labeled as to variety, the label shall bear, in addition to the name of the kind, either the name of such variety or the statement 'Variety Not Stated.' *And provided further*, That in the case of hybrid seed it shall, in addition to the above requirements, be so designated on the label."

SEC. 6. Section 201(a) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)) is amended by adding at the end thereof a new paragraph (10), to read as follows:

"(10) The year and month beyond which an inoculant if shown in the labeling, is no longer claimed to be effective."

SEC. 7. Section 201(b) of said Act (53 Stat. 1280, 72 Stat. 476, 7 U.S.C. 1571(B)) is amended to read as follows:

"(b) Any vegetable seeds, for seeding purposes, in containers, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of this Act:

"(1) For containers of one pound or less of seed that germinates equal to or above the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

"(A) Name of each kind and variety of seed and if two or more kinds or varieties are present, the percentage of each; and

"(B) Name and address of—

(i) The person who transports, or delivers for transportation, said seed in interstate commerce; or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce;

"(2) For containers of one pound or less of seed that germinates less than the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

"(A) Name of each kind and variety of seed and if two or more kinds or varieties are present, the percentage of each;

"(B) For each named kind and variety of seed—

"(i) the percentage of germination, exclusive of hard seed;

"(ii) the percentage of hard seed, if present;

"(iii) the calendar month and year the test was completed to determine such percentages;

"(iv) the words 'Below Standard'; and

"(C) Name and address of—

(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.

"(3) For containers of more than one pound of seed—

"(A) Name of each kind and variety of seed and if two or more kinds or varieties are present, the percentage of each;

"(B) Lot number or other lot identification;

"(C) For each named kind and variety of seed—

"(i) the percentage of germination, exclusive of hard seed;

"(ii) the percentage of hard seed, if present;

"(iii) the calendar month and year the test was completed to determine such percentages; and

"(D) Name and address of—

(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under

rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce."

SEC. 8. Clause (b) of section 201(e) of said Act (53 Stat. 1280; 7 U.S.C. 1571(e)) is amended to read as follows:

"(b) a longer period for any kind of agricultural or vegetable seed which is packaged in such container materials and under such other conditions prescribed by the Secretary of Agriculture as he finds will, during such longer period, maintain the viability of said seed under ordinary conditions of handling."

SEC. 9. Section 201(i)(4) of said Act (72 Stat. 477; 7 U.S.C. 1571(i)(4)) is amended to read as follows:

"(4) A description approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment."

SEC. 10. Section 201 of said Act (53 Stat. 1279; 7 U.S.C. 1571) is amended by adding at the end thereof a new subsection (j) to read as follows:

"(j) Any agricultural seed mixtures intended for lawn and turf seed purposes, in containers of fifty pounds or less, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

"(1) The headings 'Fine-textured Grasses' and 'Coarse Kinds', and specified in tabular form thereunder in type no larger than the headings, for each lawn and turf seed component present in excess of 5 per centum of the whole or named on the label:

"(i) the name of the kind, or kind and variety,

"(ii) the percentage by weight of each, in order of its predominance under the appropriate heading required above,

"(iii) the percentage of germination of each, exclusive of hard seed,

"(iv) the percentage of hard seed, if present, and

"(v) the calendar month and year the test was completed to determine such percentages.

"(2) The heading 'Other Ingredients', and specified thereunder in type no larger than the heading the following information:

"(A) Percentage by weight of weed seeds, including noxious weed seeds;

"(B) Percentage by weight of agricultural seeds other than those included under paragraph (1) of this subsection;

"(C) Percentage by weight of inert matter.

"(3) The following additional information:

"(A) Lot number or other identification;

"(B) Kinds of noxious-weed seeds and the rate of occurrence of each, which rate shall be expressed in accordance with and shall not exceed the rate allowed for shipment, movement, or sale of such noxious-weed seeds by the law and regulations of the State into which the seed is offered for transportation or transported, or in accordance with the rules and regulations of the Secretary of Agriculture, when under the provisions of section 101(a)(9) (A) (iii) he shall determine that weeds other than those designated by State requirements are noxious;

"(C) Name and address of—

"(i) the person who transports, or delivers for transportation, said seed in interstate commerce, or

"(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the period who transports or delivers for transportation said seed in interstate commerce."

SEC. 11. Section 202 of said Act (53 Stat. 1281, 72 Stat. 477; 7 U.S.C. 1572) is amended by inserting the word "treatment" followed by a comma immediately preceding the word "germination" wherever said word appears in said section.

SEC. 12. Section 203(d) of said Act (53 Stat. 1282; 7 U.S.C. 1573(d)) is amended to read as follows:

"(d) The provisions of sections 201 (a) and (b) relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or kind and variety of seeds shall not be deemed violated if there are seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with

other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the seeds to be that stated.

"(b) Section 203 of said Act is amended by adding at the end thereof a new subsection (e) reading as follows:

"(c) The provisions of section 201(i) relative to the labeling of agricultural and vegetable seeds with the name of the substance used in the treatment of seeds shall not be deemed violated by any person, other than the person treating the seed or causing the seed to be treated if such person relies upon representations by the seller of the seed concerning such treatment and if the substance or substances used in such treatment could not be, or were not identified by such person: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seed, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the substance to be that stated."

SEC. 13. Section 301(a)(4) of said Act (72 Stat. 478; 7 U.S.C. 1581(a)(4)) is amended to read as follows:

"(4) Any seed containing 10 per centum or more of any agricultural or vegetable seeds unless the invoice pertaining to such seed and any other labeling of such seed bear a lot identification and the name of each kind and variety of vegetable seed present or kind or kind and variety of agricultural seed present in excess of 5 per centum of the whole and unless in the case of hybrid seed it is so designated:"

SEC. 14. Section 301(a) of said Act (53 Stat. 1282; 7 U.S.C. 1581(a)) is further amended by adding at the end thereof a new paragraph (5) to read as follows:

"(5) Any agricultural seeds or any mixture thereof, or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

"(A) A word or statement indicating that the seeds have been treated;

"(B) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

"(C) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as 'Do not use for food or feed or oil purposes': *Provided*, That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as 'This seed has been treated with POISON', in red letters on a background of distinctly contrasting color; and

"(D) A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment."

SEC. 15. Section 302(a) of said Act (53 Stat. 1283, 72 Stat. 478; 7 U.S.C. 1582(a)) is amended by inserting after the first sentence thereof the following sentence:

"The Secretary of Agriculture may apply statistical sampling and inspection techniques to said samples and screenings to determine whether the pure-live seed requirement of any kind of seed is being met, in which case, he shall advise the importer of each lot of seed not examined for pure-live seed percentage."

SEC. 16. Section 302(d) of the Act (72 Stat. 479, 7 U.S.C. 1582(d)) is amended by adding at the end thereof a new paragraph (3) reading as follows:

"(3) when seed not meeting the pure-live seed requirements of section 304 of this title will not be sold within the United States and will be used for seed production only by or for the importer or consignee: *Provided*, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee."

SEC. 17. Section 302 of said Act (53 Stat. 1283, 72 Stat. 479, 7 U.S.C. 1582) is further amended by adding at the end thereof a new paragraph (e) reading as follows:

"(e) The provisions of this title requiring certain seeds to be stained shall not apply when such seed will not be sold within the United States and will be used for seed production only by or for the importer or consignee: *Provided*, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee."

SEC. 18. Section 304 of said Act (53 Stat. 1284, 7 U.S.C. 1584) is amended to read as follows:

"SEC. 304. Seed subject to the provisions of section 301 is unfit for seeding purposes: (a) if any such seed contains noxious-weed seeds, or (b) if any such seed contains more than 2 per centum by weight of weed seeds, or (c) if any such seed contains less than 75 per centum of pure-live seed, or if any component of such seed present to the extent of 10 per centum or more contains less than 75 per centum of pure-live seed: *Provided*, That when the Secretary of Agriculture shall find that any such seed or any kind of seed present to the extent of 10 per centum or more cannot be produced to contain 75 per centum of pure-live seed, he may set up such standards from time to time for pure-live seed as he finds can be produced and seed conforming to such standards shall not be deemed to be unfit for seeding purposes."

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 22, 1966.

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 15662, a bill to amend the Federal Seed Act.

This Department recommends that the bill be passed provided the proposed wording of sections 4, 5, 7, 10, and 13 is changed and one section is added to the bill.

The several provisions of the bill are briefly summarized below, with a statement of our proposed changes in the pertinent sections.

Sec. 1. The references to Alaska and Hawaii would be deleted from the Act inasmuch as both now come within any reference to "State".

Sec. 2. The out-of-date list of kinds of agricultural seeds subject to the Act would be deleted from the Act. An up-to-date list is maintained in the rules and regulations under the Act and would continue to be so maintained under the provisions of this section of the bill.

Sec. 3. Examples of kind names consisting of more than one species would be deleted from the Act and new kind names substituted therefore. The present examples are no longer considered valid kind names for the discriminating buyer of seed.

Sec. 4. This section would amend section 201(a) of the Act to require that seed intended for lawn and turf purposes, when in containers of 50 pounds or less, would be labeled in a different manner than other agricultural seeds. (See sec. 10 of the bill.)

It is suggested that the word "of" be changed to "for" in line 16 to read "for seed mixtures".

Sec. 5. This section of the bill would amend section 201(a)(1) of the Act to require that if a component of seed is present which the Secretary has determined is generally labeled as to variety, the label shall bear the name of that variety or the statement "Variety Not Stated". This will prevent confusion between brands or trademarks and variety names when variety names are not stated on the label. In addition, this section would require all hybrid seed to be labeled as such to warn the purchaser that seed produced from the crop should not normally be used for planting.

It is recommended, however, that the wording of section 5 of the bill amending section 201(a)(1) of the Act [page 2, line 22] be amended to read as follows:

"(1) The name of the kind or kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: *Provided*, That if any such component is one which the Secretary of Agriculture has determined, in rules and regulations prescribed under section 402 of this Act, is generally labeled as to variety, the label shall bear, in addition to the name of the kind, either the name of such variety or the statement 'Variety Not Stated:' and *Provided further*, that in the case of any such component which is a hybrid seed it shall, in addition to the above requirements, be designated as hybrid seed on the label."

This change will make it clear that only components present in excess of 5 percent are involved in the required labeling as to variety and as a hybrid.

Sec. 6. Seed which has been inoculated would be required to be labeled with the month and year beyond which the inoculant would no longer be considered effective.

Sec. 7. This section would amend section 201(b) of the Act to require that vegetable seeds in containers of one pound or more be labeled with detailed germination information, whether or not below the standards established by the Secretary. Seed purchasers buying these quantities need to know the precise germination and need not be informed that it is "below standard."

It is recommended that subdivision (A) of subsections (b)(1) [page 4, line 1], (b)(2) [page 4, line 19], and (b)(3) [page 5, line 16] of section 201 of the Act, as it would be amended by this section, be amended to read as follows:

"(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid seed on the label; and"

This proposal would then require hybrid vegetable seed to be labeled as such for the same reason as stated in section 5 above for agricultural seed. This requirement then conforms with section 13 relative to identification of imported agricultural or vegetable seed as hybrid seed, if such is the case.

Sec. 8. Section 8 would amend section 201(c) of the Act to authorize the Secretary of Agriculture, by rules and regulations, to stipulate a longer period of time after the germination test in which seed may be shipped interstate if packaged under specified conditions. Recent research has shown that certain kinds of seed possessing high vigor when dried to low moisture content and packaged in hermetically sealed containers will maintain germination for as long as 3 years.

Sec. 9. This section would clarify the present language of section 201(i)(4) with respect to label information dealing with the description of the process used in treatment of seed.

Sec. 10. This section of the bill deals with mixtures of agricultural seed intended for lawn and turf purposes and would require that they be labeled to indicate those kinds or varieties of seed that are considered "fine-textured" and those that are "coarse kinds." This would enable the homeowner to purchase such seed on the basis of whether it will produce coarse or fine-textured turf without specific technical knowledge regarding each kind or variety in the mixture.

It is recommended that subsection 201(j)(1)(i) of the Act, as it would be amended by this section, be amended to read as follows:

"(i) the name of each kind, or kind and variety, and in the case of any such component which is hybrid seed, it shall be designated as hybrid on the label,"

The above recommendation would bring the labeling requirements with respect to lawn and turf seed mixtures into conformity with other proposals of the bill insofar as hybrid seed is concerned.

Sec. 11. The amendment of section 202 of the Act would require interstate shippers to keep records of treatment of seeds in addition to records of origin, germination, and purity already required to be kept under this section of the Act.

Sec. 12. This section would clarify the present provisions of section 203(d) with respect to exemption from liability for labeling indistinguishable seed. A new subsection (e) would be added to exempt persons from liability for labeling treated seed when relying on the representations of suppliers and otherwise exercising reasonable care.

Sec. 13 and 14. These two sections of the bill would generally impose the same labeling requirements on imported seed as are imposed on seed moving interstate commerce with respect to labeling hybrid seed and treated seed, and bearing a lot identification.

It is recommended, however, that the wording of section 13 of the bill amending section 301(a)(4) of the Act [page 10, line 25] be amended to read as follows:

"(4) Any seed containing 10 per centum or more of any agricultural or vegetable seeds, unless the invoice pertaining to such seed and any other labeling of such seed bear a lot identification and the name of each kind and variety of vegetable seed present in any amount and each kind or kind and variety of agricultural seed present in excess of 5 per centum of the whole, and unless in the case of hybrid seed present in excess of 5 per centum of the whole it is designated as hybrid seed."

This change will make it clear that hybrid seed must be designated as hybrid seed only when present in excess of 5 percent of the whole.

Sec. 15. This amendment would enable the Secretary to random sample in testing imported seed for pure live seed percentage. On those samples in which a pure-live seed determination is not made, the importer shall be so informed.

All lots would continue to be examined to determine that they do not exceed the weed-seed restrictions.

Sec. 16. This amendment would provide that seed offered for importation not meeting the pure-live seed requirements may be admitted if the seed is to be used for seed production purposes only by or for the importer, is not to be sold in the United States, and the importer so certifies. The Act presently prohibits the importation of all seed not meeting the pure-live seed requirements which has hampered our program of producing seed of foreign varieties under contract for export.

Sec. 17. This amendment would provide that seed offered for importation subject to the staining requirements of the Act may be admitted without staining if the seed is declared for seed production purposes only by or for the importer, is not to be sold in the United States, and the importer so certifies. The staining of all imported alfalfa and red clover seed as now required is not justified when no resale is involved.

Sec. 18. This amendment would provide that seed offered for importation containing any noxious-weed seeds would be considered unfit for seeding purposes and would be refused admission. Presently, the Act permits importation of seed containing noxious-weed seeds in amounts which preclude the seed from sale in most States.

It is further suggested that section 101(a)(4) of the Federal Seed Act [53 Stat. 1275, 7 U.S.C. 1561(a)(4)] be amended by inserting the word "treatment" and a comma before the word "variety". This section, a statement expanding the definition of interstate commerce, presently relates only to labeling for variety and origin. Since the Act as it would be amended by the proposed amendments would impose various requirements relating to treatment of seed, the definition of interstate commerce should refer to treatment as well as variety and origin.

These amendments, if approved, are not expected to increase the cost of administration of the Federal Seed Act.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN A. SCHNITTKER,
Acting Secretary.

Mr. POAGE. Our first witness on the list is Mr. Stanley Rollin, Chief of the Seed Branch, Consumer and Marketing Service, accompanied by Mr. Overby, Director of the Grain Division.

We will ask the Department to make the first presentation.

**STATEMENT OF STANLEY F. ROLLIN, CHIEF, SEED BRANCH,
CONSUMER AND MARKETING SERVICE; ACCOMPANIED BY
E. J. OVERBY, DIRECTOR, GRAIN DIVISION, CONSUMER AND
MARKETING SERVICE, GEORGE A. ROBERTSON, ATTORNEY,
OFFICE OF THE GENERAL COUNSEL, AND CLYDE R. EDWARDS,
HEAD, ENFORCEMENT AND SERVICE SECTION, SEED BRANCH,
GRAIN DIVISION, CONSUMER AND MARKETING SERVICE,
U.S. DEPARTMENT OF AGRICULTURE**

Mr. ROLLIN. Mr. Chairman and members of the committee, my name is Stanley Rollin, Chief of the Seed Branch of the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, and on my left is Mr. Overby, Director of the Grain Division, and on my right is Mr. Robertson of the Office of General Counsel in the Department.

The Federal Seed Act of August 9, 1939, was designed to correct certain abuses in the merchandising of agricultural and vegetable seed in interstate commerce and to prevent the importation of seed that is adulterated, mislabeled, or unfit for sowing purposes. The provisions pertaining to interstate commerce require detailed labeling of seed.

They provide basically for truth in labeling and advertising of seed so there may be fair dealing and so the farmer and gardner shall have guidance and protection. The interstate provisions of the act are enforced with the cooperation of State seed officials and over 400 State seed inspectors. The import provisions are enforced under joint authority with the Treasury Department.

Experience in the administration of the act indicates that certain changes can be made to (1) relieve the industry of some unnecessary burdens, and (2) strengthen certain provisions and clarify others. The proposed amendments would not add to the cost of administering the act, inasmuch as savings expected from one of the amendments would be used to implement enforcement of several new sections of the act contained in H.R. 15662.

The proposed amendments, if adopted as set forth in H.R. 15662, would make many minor changes as indicated in the Department report on the bill. Our comments will be confined to the most significant changes that will take place if the bill is passed.

1. At present, the Federal Seed Act does not require agricultural seed to be labeled as to variety—only as to kind of seed. In other words, wheat can be sold as just wheat with no information as to whether it is the Justin, Pawnee, or Selkirk variety. Many trademarks or brands, however, are being used in such manner that they are mistakenly being considered as variety names by farmers. Section 5 of the bill would require that if a kind of seed is present which the Secretary has determined is generally labeled as to variety, the label shall bear the name of that variety or the statement "Variety not stated." This will prevent confusion between brands or trademarks and variety names when variety names are not stated on the label. In addition, this section, as well as two other sections, would require all hybrid seed to be labeled as such in order to warn the purchaser that seed produced from the crop should not normally be used for planting because of loss in yield in the second generation.

2. Seed of many kinds of legumes is inoculated with rhizobia to insure nitrogen formation by the plants produced from the seed. A new practice of inoculating seed previous to sale has raised a problem as to how long the rhizobia used as an inoculant will be effective. Previously, when the farmer inoculated his seed just before placing it in the drill this problem did not exist. Section 6 of the bill would require seed that has been inoculated to be labeled with the month and year beyond which the inoculant may no longer be effective. The purchaser would thus be warned that outdated inoculated seed may have to be reinoculated to insure its effectiveness.

3. At present, the Federal Seed Act does not require detailed labeling of vegetable seed as to germination if the seed is above a specified standard in germination. If below standard, it must be labeled to show the percentage of germination, the date of the germination test, and the words "Below standard." These requirements were originally devised primarily for the home gardener who would not be able to judge whether a particular germination percentage was normal, average, or superior. The commercial gardener, however, is interested in the precise germination of every lot of seed purchased so that precise planting plans can be made to produce an optimum crop properly

spaced for efficient cultivating and harvesting. Section 7 of the bill would require that vegetable seeds in containers of more than 1 pound be labeled with detailed germination information, whether or not below the standards established by the Secretary. Such seed labeled as to germination percentage would not have to be labeled "Below standard."

4. The Federal Seed Act now requires seed to be tested for germination within 5 months previous to interstate shipments. Most States permit seed to be sold for 9 months without retesting. Section 8 of the bill would authorize the Secretary of Agriculture, by rules and regulations to stipulate a longer period of time after the germination test is made in which seed may be shipped interstate if packaged under specified conditions. Research has shown that certain kinds of seed possessing high vigor, when dried to low moisture content and packaged in hermetically sealed containers, will maintain germination for as long as 3 years. Under proper controls, seedsmen will be able to package some seeds which will be viable and not require retesting and relabeling for several seasons of planting.

5. The present wording of the act requires, in part, that the name of each kind or kind and variety of seed be shown in labeling lawn or turf grass mixtures. Considerable education is required on the part of the consumer in order that he may make an intelligent selection of the kinds and varieties best suited for his purpose. Section 10 of the bill would require that mixtures of agricultural seed intended for lawn and turf purposes be labeled, in addition, to indicate those kinds or varieties of seed that are considered "fine textured" and those that are "coarse kinds." This would enable the homeowner to purchase such seed on the basis of whether it will produce coarse or fine-textured turf without specific technical knowledge regarding each kind or variety in the mixture.

6. Section 11 of the bill would require interstate shippers to keep records of treatment of seed in addition to records of origin, germination, and purity already required to be kept under section 202 of the act. Section 12 would add a new subsection (e) to section 203 of the act to exempt persons from liability for labeling treated seed when relying on the representations of suppliers and otherwise exercising reasonable care. In this connection, it is further suggested that section 101(a)(4) of the Federal Seed Act be amended by inserting the word "treatment" and a comma before the word "variety." This section, a statement clarifying and expanding the definition of interstate commerce, presently relates only to labeling for variety and origin. This proposed amendment would make section 101(a)(4) of the act consistent with section 203 of the act.

7. Our testing of samples of all seed lots offered for importation during the last 5 years has shown less than 1 percent rejected. Some kinds have never been rejected and some so seldom that the continued testing of every sample for pure-live seed does not appear worthwhile because of the delay of as much as 28 days involved in making some germination tests. Section 15 of the bill would enable the Secretary to random sample in testing imported seed for pure-live seed percentage instead of testing every sample. On those samples in which a pure-live seed determination is not made, the importer shall be so informed. If he then requests a complete test, it will be done on a fee basis. All lots would continue to be examined to determine that they

do not exceed the weed-seed restrictions before release into the commerce of the United States.

8. The act presently prohibits the importation of all seed not meeting the pure-live seed requirements. This has hampered our program of producing seed of foreign varieties under contract for export by rejecting the entrance of low-germinating stock seed from Europe which was to be used to reproduce seed in the United States for reshipment to Europe. Section 16 would provide that seed offered for importation and not meeting the pure-live seed requirements may be admitted if the seed is to be used for seed production purposes only by or for the importer, is not to be sold in the United States, and the importer so certifies.

9. The act now requires all alfalfa and red clover seed imported into the United States to be stained to indicate the country of origin. Farmers or contract growers importing seed directly from foreign shippers for planting are now burdened with this requirement. They know the country of origin, but they must stain the seed before they are permitted to place it in their own drill for seeding. Section 17 of the bill would provide that seed offered for importation and subject to the staining requirements of the act may be admitted without the required staining if the seed is to be planted by or for the importer for seed production purposes only, is not to be sold in the United States, and the importer so certifies.

10. Presently, the act permits importation of seed containing considerable quantities of harmful noxious-weed seeds because of (1) specified allowances contained in the act, and (2) tolerances recognized in seed testing. In many instances, such seed is precluded from sale within the States. Section 18 of the bill would provide that seed offered for importation containing any noxious-weed seeds would be considered unfit for seeding purposes and would be refused admission. Of course, the usual tolerances used in seed testing would be allowed to recognize normal variations in tests.

Since submitting its report on the bill, the Department has discovered an error in section 18 on page 14, line 2. It is suggested that the word "pure" and the hyphen thereafter be deleted, as the percentage of pure-live seed of components of a mixture cannot be determined.

This concludes the Department's views on the principal amendments contained in H.R. 15662. If there are questions with respect to the report on the bill or with respect to the Department's view, as just given, we shall be glad to try to answer them.

Mr. POAGE. Thank you, Mr. Rollin.

Are there any questions?

Mr. TEAGUE of California. I have just one question, Mr. Chairman.

I am not at all familiar with the Federal Seed Act. I have a rather sizable flower seed industry in my congressional district in California, the Burpee Seed Co., and others which are rather large operations.

First, let me ask you: Do you have any particular problems with the flower seed people out there?

Mr. ROLLIN. I would like to say, first, that flower seeds are not subject to this law.

Mr. TEAGUE of California. That answers my question, then. Thank you.

Mr. POAGE. Are there any further questions?

Mr. Harvey?

Mr. HARVEY of Indiana. As one who for many years was involved in the seed business and thereby became somewhat acquainted with the problems in the administration of a seed act, whether it be the State or the Federal, I am in sympathy with the purpose of the proposal and see no reason why it should not be enacted as proposed.

Thank you.

Mr. POAGE. Thank you, Mr. Harvey.

Is there anyone else?

If not, does anyone else in the Department have any further statement?

Mr. OVERBY. I think that is our full testimony at this time, Mr. Chairman.

Mr. POAGE. If there is nothing further to be said by the Department, we will proceed with our list of witnesses. I believe that the next witness will be presented by our colleague, Mr. Frank J. Horton, of New York. He will present Mr. Harris, president of the American Seed Trade Association.

We will be glad to hear from you now.

STATEMENT OF HON. FRANK HORTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. HORTON. Mr. Chairman and gentlemen of the committee, it is a real pleasure and a privilege for me today to introduce to you one of my most honored constituents, Joseph Harris, who is the president of the Harris Seed Co. of Rochester, N.Y., and also president of the American Seed Trade Association which represents the seed industry of the United States.

His firm is one of the leading companies in the field in this country. Under Mr. Harris' leadership, it has continued to be a leader within the important seed industry. The Harris Farms, from a small beginning in 1864, has specialized in seed improvement. It was the first farm to develop and produce hybrid cabbage and the first to market hybrid carrots this year.

Mr. Harris has demonstrated a continuing concern for the welfare of the Nation's seed industry which has had so much to do with this Nation's producing such an abundance of food, by serving as an officer of the stated national organizations and the research foundations.

I am certain that his statement before you today will be both knowledgeable and constructive.

I consider Mr. Harris one of my leading constituents and a very close friend, and it is a real pleasure for me to introduce him to you, Mr. Chairman.

I would also, at this point, like to indicate to you that Mr. Harris will be accompanied by Mr. Dale L. Porter, who is the chairman of ASTA Seed Treatment and Protection Committee of the Pioneer Hybrid Corn Co., of Des Moines, Iowa, and I take pleasure in introducing Mr. Porter to you.

I might say that our East Rochester Senior Little League team was out there and won the national championship over the weekend.

Next, I present Mr. George Howell, ASTA's legal counsel, of the law firm of Penney, Bentley, Guthrie & Howell of Chicago, Ill.; next

Mr. Marvin McClam, president, Southern Seedmen's Association, FCX, Inc., of Raleigh, N.C.; and Mr. John Sutherland, executive vice president, ASTA, Washington, D.C.

It is a real pleasure to introduce Mr. Harris and his colleagues who will be assisting him in the course of his testimony.

Mr. POAGE. Thank you. We are very glad to have you come before our committee and are very glad to have you introduce your friends, and we will be delighted to hear from Mr. Harris and his associates now.

Mr. HORTON. Thank you, Mr. Chairman.

STATEMENT OF JOSEPH HARRIS, PRESIDENT, AMERICAN SEED TRADE ASSOCIATION, ACCOMPANIED BY DALE L. PORTER, CHAIRMAN, ASTA SEED TREATMENT AND PROTECTION COMMITTEE; GEORGE HOWELL, ASTA LEGAL COUNSEL; JOHN I. SUTHERLAND, EXECUTIVE VICE PRESIDENT, AMERICAN SEED TRADE ASSOCIATION; AND MARVIN McCLAM, PRESIDENT, SOUTHERN SEEDMEN'S ASSOCIATION, FCX, INC., RALEIGH, N.C.

Mr. HARRIS. My name is Joseph Harris. I am president of the American Seed Trade Association, with offices located here in Washington, D.C. The American Seed Trade Association is a national organization with membership throughout the United States. The direct membership of the association is approximately 600 seed companies, and the indirect membership represented by State and regional associations is approximately 4,000 seed companies. I am appearing here today to present a statement for the association in support of H.R. 15662, a bill to amend the Federal Seed Act.

With me today are representatives from the association's legislative committee. The representatives are available to assist in answering technical and operational questions on the seed industry which might be raised by this committee.

The Federal Seed Act regulates the labeling of seed shipped in interstate and foreign commerce by the U.S. seedsmen, and for other purposes. The updating of this act is important to meet the changes which have occurred over the past 10 years in the seed industry in production, conditioning, packaging, and distribution. A section-by-section discussion of the purpose of the proposed amendments follow:

Section 1, beginning page 1, line 1: The references to Alaska and Hawaii being other than one of the States should be removed.

Section 2, beginning page 1, line 10: The out-of-date list contained in the act of kinds of agricultural seed subject to the act, which causes confusion would be deleted. An up-to-date list should be maintained in the rules and regulations.

That is not in the act, itself, but in the rules.

Section 3, beginning page 2, line 6: Names of crops representing single species would replace the present examples of proper kind names, each of which permitted more than one species to be labeled with the same kind name.

This is for clarification.

Section 4, beginning page 2, line 10: This amendment permits adoption of a new subsection (j) providing for special labeling of lawn and turf seed mixtures in containers of 50 pounds or less.

Section 5, beginning page 2, line 19: To clarify the intent of this amendment the association recommends a slight modification of the wording. It is suggested that this section read as follows after making the following modifications:

On page 2, line 25, delete "kind of seed is present" and insert in lieu thereof "such component"; and on page 3, lines 6 and 7, add on line 6, after the word "case", "of any such component which is a", deleting "of"; and on line 7 add after the word "designated", "as hybrid".

Would you like to have the revised version read?

Mr. POAGE. I thought you were going to read it.

Mr. HARRIS. Yes; all right. I shall do so:

(1) The name of the kind or kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: *Provided*, That if any such component which

Section 5, beginning page 3, line 1, continued:

the Secretary of Agriculture has determined, in rules and regulations prescribed under section 402 of this Act, is generally labeled as to variety, the label shall bear, in addition to the name of the kind, either the name of such variety or the statement "Variety Not Stated": *And provided further*, That in the case of any such component which is a hybrid seed it shall, in addition to the above requirements, be so designated as hybrid on the label.

This requirement makes it more clear to the purchaser when he is purchasing seed that is not labeled as to variety. This requirement also will prevent any confusion that a brand name or trademark shown on the label is a variety name. The additional requirement that all hybrids shall be so labeled is necessary to warn the purchaser that seed produced from the crop should not normally be used for seed purposes as it will not reproduce true to type.

Section 6, beginning page 3, line 9: This requirement would insure that inoculated seed would remain on sale, as such, only for the period of time fixed by the labeler. It further informs the purchaser that after such period the inoculant may have a limited effect.

Section 7, beginning page 3, line 14: This amendment changes the labeling requirements of vegetable seed sold in containers of more than 1 pound and would require detailed labeling information in all cases, rather than detailed information, plus the words "Below Standard," only when applicable.

This may not be quite clear. All shipments of vegetable seeds in containers of more than 1 pound will have to have the identification date of germination test which has not been required under the existing law. The "Below Standard" could only apply in one form, and it is for the protection of the small consumer.

Section 8, beginning page 6, line 12: Research has shown that metal containers and certain other new packaging materials will preserve the visibility of properly prepared seed for a longer period than the 5 months arbitrarily assumed in the Federal Seed Act after which seed must be retested and relabeled before interstate shipment. This amendment would permit the Secretary to establish conditions under which the 5-month rule could be extended.

Section 9, beginning page 6, line 21: Clarification of wording.

Section 10, beginning page 7, line 3: A separate section for labeling requirements for lawn and turf seed mixtures in small containers is provided so that homeowners can purchase such seed on the basis of whether it will produce coarse or fine-textured turf without regard to specific technical knowledge concerning each kind and variety of grass seed in the mixture.

Section 11, beginning page 9, line 10: Records on treated seeds are necessary so that primary responsibility for labeling of treated seeds can be determined by examination of such records.

Section 12, beginning page 9, line 15: It is necessary that persons charged with the responsibility of labeling treated seed shipped in interstate commerce be afforded an exemption similar to that granted in section 203(d) pertaining to labeling as to kind or kind and variety. In order that such exemptions be uniform and parallel, we recommend the language of 203(d) be followed as nearly as possible. We suggest, to accomplish this goal, that section 203, paragraph (e), page 10, line 8, be amended to read as follows, after making a deletion starting on line 11 and ending on line 14 reading "by any person, other than the person treating the seed or causing the seed to be treated if such person relies upon representations by the seller of the seed concerning such treatment and", and in line 16 deleting the words "by such person", and adding in lieu thereof "because of its indistinguishability in appearances from the intended to be transported or delivered for transportation in interstate commerce."

The revised section 203(e) would then read:

8(e) The provisions of section 201(i) relative to the labeling of agricultural and vegetable seeds with the name of the substance used in the treatment of seeds shall not be deemed violated if the substance or substances used in such treatment could not be, or were not identified because of its indistinguishability in appearance from the intended to be transported or delivered for transportation in interstate commerce: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seed, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identify of the substance to be that stated.

Section 13, beginning page 10, line 23: This amendment requires the labeling on imported seed to agree with the proposed amendments to the interstate provisions having to do with labeling seed as "hybrid" and as "treated seed" and would require a lot identification to be shown in the labeling.

Section 14, beginning page 11, line 8: The labeling requirements on imported seed will agree with the interstate provisions on labeling treated seed.

Section 15, beginning page 12, line 12: This amendment would permit the Secretary to test pure, live seed content of imported seed on a random-testing procedure rather than require every sample of every lot to be tested before release of the lot into the commerce of the United States. Every sample will continue to be tested for noxious-weed seeds and total weed seed percentage as referred to in section 304. When importers find a lot does not meet the import requirements or their contract requirements they can request the necessary tests to be made on the sample remaining in possession of the Department and pay the fees established for such testing. This procedure will afford the same measure of protection without the frequent delays in releasing seed into the United States and with a

part of the costs shifted to the importers who primarily benefit from these restrictions. All imported seed must be correctly labeled before it can be sold in intrastate and interstate commerce in any event so that the ultimate consumer is still protected. The import requirements will still protect the domestic producers from unfair competition of low-quality seed.

Section 16, beginning page 12, line 21: This amendment would permit the pure, live seed requirement to be waived on seed not to be sold within the United States. There have been an increasing number of instances where stock seed from European countries has been barred from entering the United States for reproduction of seed to be shipped back to Europe. Such prohibitions interfere with our attempts to increase our international trade in seed produced in the United States and affords unwanted protection to the U.S. importer. It deprives him of the opportunity to engage in a profitable growing contact with foreign handlers of seed.

Section 17, beginning page 13, line 8: A certain percentage of alfalfa and red clover is required to be stained to indicate origin before it is permitted entry into the commerce of the United States. There are instances occurring where the importers themselves intend to plant the seed being imported. Under such circumstances, staining such seed before planting appears to accomplish no good; therefore, this amendment would provide for this requirement to be waived when such seed is not to be sold in the United States.

Section 18, beginning page 13, line 19: The act now provides for a certain limitation on the number of noxious-weed seeds permitted in imported seed, such as one in 10 grams, one in 25 grams, and so forth, depending on the kind of seed. The rules for seed testing require a certain tolerance to be applied to all tests to allow for variations in results of two different tests. This double allowance permits a considerable number of harmful noxious-weed seeds in seed allowed into the commerce of the United States even though importers may have purchased the seed to be free of such noxious-weed seeds, and it may be prohibited from sale in the United States. The amendment would eliminate the basic allowances now in the act. The usual tolerance allowed in seed testing would still be used to recognize that differences in tests may occur.

On behalf of the American Seed Trade Association, I would like to express my appreciation to you, Mr. Chairman, and members of the committee, for the opportunity of appearing before you today.

Mr. POAGE. Thank you. We are much obliged to you, Mr. Harris. We are glad to have had you with us.

Do any of these gentlemen accompanying you desire to make a statement?

Mr. SUTHERLAND. My name is John Sutherland, executive vice president of the American Seed Trade Association. We received in the association's office this morning a telegram from B. W. Fortenbery, president of the International Crop Improvement Association, who has, with other groups, been working for the development of proposed amendments to the Federal Seed Act. The directors of the International Crop Improvement Association have been kept informed of the progress in this effort and in the 1964 and 1965 annual meetings have approved reports submitted on this project.

With your permission, I shall read his telegram.

It is dated August 22, and is addressed to me.

The International Crop Improvement Association has been represented together with other groups which have been working for the development of proposed amendments to the Federal Seed Act. The directors of ICIA have been kept informed of progress in this effort and have at both their 1964 and 1965 Annual meetings approved reports submitted on this project. I am glad to inform you of the official approval our organization has given this project and request that you include this message of our support of legislation H.R. 15662 in the records of this hearing.

Very truly yours,

(Signed) B. W. FORTENBERY,
President, International Crop Improvement Association.

Mr. POAGE. We are glad to have that for the record. Chairman Cooley is on his way over here, but I will have to leave for a meeting of the Rules Committee, and I will ask Mr. Stubblefield to preside.

It is noted that the clerk of this committee has received a similar telegram from Mr. Fortenbery.

Mr. STUBBLEFIELD (presiding). Does any member have any questions?

Mr. Belcher?

Mr. BELCHER. No, no questions.

Mr. STUBBLEFIELD. Mr. Dole?

Mr. DOLE. Mr. Harris, do I understand you are in full agreement with the provisions contained in H.R. 15662 and the other similar bills introduced by other Members of the Congress?

Mr. HARRIS. Yes, Mr. Dole. The Legislative Committee of the American Seed Trade Association has endorsed these bills as presented.

Mr. DOLE. On page 6 of your statement you indicated there was some difference. You were present this morning when the statement of the Department of Agriculture was presented. Are you in agreement with the statements outlined by the Department? In other words, is there any basic disagreement, or, for that matter, any disagreement between your association and the bills, as outlined?

Mr. HARRIS. There is one point of nonconformity. That is under section 12, and the amendment of section 203(e). Could I ask Mr. Porter to comment on that?

Mr. DOLE. Yes; if that is feasible. If there are any differences we should like to know what they are specifically, and whether or not we can resolve them.

Mr. SUTHERLAND. This is Mr. Dale Porter of Des Moines, Iowa. He is the chairman of the association's seed treatment and protection committee.

Mr. PORTER. The act, as it now exists, in section 203(e) extends the exemption from certain requirements of the act to those persons with respect to the labeling as defined in variety and types. It was the intention in the development of this bill with all of the people participating that this exemption be extended to cover the labeling of seed as to the treatment and the treatment substances used. It is our position that this can be best done by following the same or similar language. We say the same thing. We think that the provision recommended by the Department this morning goes beyond the provision that is now in section 203(e) and is an unjust limitation of the exemption; that it should be worded substantially as the exemption now contained in the section and as recommended in the proposed bills.

Mr. DOLE. As I understand, that is the suggested language that appears on page 6 of the statement presented by Mr. Harris; is that correct?

Mr. HARRIS. Yes.

Mr. PORTER. That is correct. That language is such that it closely follows the language that is also in the bill and the preceding subsection of that section.

Mr. DOLE. Is there any other area of disagreement between your association and the Department? Or is everything else in the bill endorsed by your association?

Mr. PORTER. I think there is only one other area of disagreement that is a part of this general subject matter and that is the recommendation by the Department to amend the definition of "interstate commerce," to include the term "treatment" in that definition which is a subject matter which has not been discussed previously with the association's legislative committee and has not been agreed to by them, and in my view, at least, is an unnecessary extension of Federal jurisdiction into local intrastate matters.

Mr. DOLE. Are there any other areas where you might have some disagreement, either Mr. Sutherland or Mr. Harris, or yourself, that you could comment on?

Mr. SUTHERLAND. Mr. Chairman and Mr. Dole, this is Mr. George Howell, counsel for the association.

There is one other point that we are not in disagreement about, but it is a point that I would like our legal counsel to clarify for the record.

Mr. DOLE. That is all right with me, if it is all right with the chairman.

The CHAIRMAN (Mr. Cooley presiding). Yes.

Mr. HOWELL. My name is George Howell. My firm for a number of years has been general counsel for the American Seed Trade Association. As Mr. Sutherland has said, I do not know that you can say this is an area of disagreement. It is just a question that we have for clarification.

Under the amendment dealing with kind and variety, this relates to the amendment of section 201(a)(1) and section 5 of the bill, starting at the bottom of page 2, where it reads:

The name of the kind or kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each—

And then you have the first proviso:

Provided, That if any kind of seed is present which the Secretary of Agriculture has determined, and rules and regulations prescribed under Section 402 of this Act, is generally labeled as to variety, the label shall bear, in addition to the name of the kind, either the name of said variety or the statement "Variety Not Stated"—

And then you have the second proviso, and this is the one that concerns us:

And provided further, That in the case of hybrid seed it shall, in addition to the above requirements, be so designated on the label.

That is the way the present bill reads.

The point that we seek here to remedy has some confusion it it: If there is a lot of agricultural seed that contains as one of its components hybrid seed, in the first place, we have a little difficulty in

envisioning that situation. Second, is the whole lot of seed to be designated because there is a component in excess of 5 percent that is added—is the whole lot to be so designated, or does it have to be labeled “hybrid”; and, third, whether or not there are situations where the labeler of the seed cannot tell whether or not it is in excess of 5 percent or that the components in excess of 5 percent actually are hybrid seed.

Mr. DOLE. How do you suggest, Mr. Howell, that this be clarified?

Mr. HOWELL. Initially, in the draft of the bill that was approved by the association, we simply had a provision in there that in all cases if the seed has hybrid seed it should be labeled “hybrid seed”—just simply “hybrid”. What we would like, if it is possible, is for Mr. Rollin, if he can, to give us an illustration or an example as to just how he envisages this requirement that has come into play administratively.

The CHAIRMAN. Is that not exactly what this bill says:

In the case of hybrid seed, it shall be, in addition to the above requirements, so designated on the label.

How could you make it any plainer than that?

Mr. HOWELL. Well, that is perfectly all right if that is what the Department understands it to be.

The CHAIRMAN. That is what the language says.

Mr. HOWELL. It seems to me——

The CHAIRMAN. That is what we will put in our report, and that it shall be so designated.

Is that the way you understand it?

Mr. DOLE. That is as I understand it, but I want to know if the industry so understands it. It is pretty complicated.

The CHAIRMAN. Do you want to have someone from the Department speak on that?

Mr. HOWELL. That is what we had in mind.

Mr. DOLE. Mr. Rollin is here.

The CHAIRMAN. What do you say about it?

Mr. ROLLIN. I think that the problem here, Mr. Chairman, is that under the Federal Seed Act you do not label a component of a mixture unless it is present to the extent of at least 5 percent, and, therefore, the Department in its report on this bill has suggested that the wording be changed slightly to say that if such a component is present that it shall be labeled. That means that if you have over 5 percent of hybrid seed in a mixture, you must indicate the percentage of hybrid seed in that mixture. Under the present wording of the bill it could be interpreted to mean that if you had one seed, which is a hybrid seed, in a lot, you would have to show that you have one seed of a hybrid type in there. That is not the intent of either the association or the Department.

The CHAIRMAN. It is not the intent of the bill.

Mr. ROLLIN. I am sure that it is not intended to be such, but it could be misinterpreted to mean that if you had one hybrid seed you would have to label, and we do not want to enforce that kind of a bill.

Mr. DOLE. Does that clarify it?

Mr. HOWELL. To me, it does. I do not know whether any others have comment.

Mr. DOLE. Is there any other area of disagreement? Maybe the word “disagreement” is not proper. Is there any other area where

the association has a suggestion or some different opinion as to either the bill or the statement made by the Department earlier where it should be changed?

Mr. SUTHERLAND. There is only one comment that I would like to make on the previous discussion, and that is: On the label, when you are designating that it is "hybrid seed," answering your question with a question, would you put the words "hybrid seed" in quotes or would you just place the word "hybrid" on the label?

And this is a point that I would like to clarify here.

The industry would like to be able to label hybrid seed with just the word "hybrid," because seed shows up on the bag in several places.

The CHAIRMAN. Is there any objection to having the word "seed" along with it?

Mr. SUTHERLAND. The word "seed" appears in several other places.

The CHAIRMAN. Why is there objection to using it again?

Mr. SUTHERLAND. If you have sorghum seed, you would have hybrid seed, sorghum seed, and that would be a duplication.

Mr. DOLE. What is the Department's attitude on that?

Mr. ROLLIN. The Department's attitude is that it would not be our interpretation that they would have to put the word "seed" with the word "hybrid"—just label it as "sorghum hybrid seed," or any kind of seed. You know that it is seed; you do not have to say that again.

Mr. DOLE. There are some areas of disagreement, but only a few. Are there any other areas that you have anything to say concerning?

Mr. SUTHERLAND. No, sir.

The CHAIRMAN. Is that all?

Mr. DOLE. Yes.

The CHAIRMAN. Thank you gentlemen very much.

Mr. SUTHERLAND. Thank you.

Mr. HARRIS. Thank you.

Mr. PORTER. Thank you.

The CHAIRMAN. Mr. Porter, do you have any further statement?

Mr. PORTER. No, sir.

The CHAIRMAN. Mr. Howell?

Mr. HOWELL. No, sir; I do not, Mr. Chairman. Thank you.

The CHAIRMAN. Our next witness is Mr. Marvin McClam.

Will you come around, please, sir. We are very happy to have you here with us this morning and will be glad to hear from you now, sir.

STATEMENT OF MARVIN McCLAM, PRESIDENT, SOUTHERN SEEDSMEN'S ASSOCIATION, RALEIGH, N.C.

Mr. McCLAM. Mr. Chairman and members of the committee, my name is Marvin McClam. I am president of the Southern Seedsmen's Association, with offices located in Shreveport, La., and manager, Seed Division, FCX, Inc., Raleigh, N.C.

The Southern Seedsmen's Association is a regional organization representing the 14 Southern States.

I am appearing here today to express support of this legislation on behalf of the seedsmen of North Carolina and the Southern Seedsmen's Association. We feel this legislation, which will update the Federal Seed Act, is most appropriate at this time.

As increased demands are placed upon worldwide food needs and production, State and Federal laws must be updated to permit the orderly marketing of this basic commodity—seed. Demands upon the seedsmen to produce new and improved varieties of seeds will increase as greater production per acre is generated to meet the planting needs of the consumer and farmer.

Favorable consideration of this legislation is requested, and on behalf of the southern seedsmen, I would like to express my personal appreciation for the opportunity of appearing before you today.

The CHAIRMAN. We thank you very much, Mr. McClam. Are there any questions of Mr. McClam?

Are there any other witnesses or anyone else who wants to make a statement or to make any suggestions as to the legislation under consideration?

Mr. DOLE. I think there are only about two areas of disagreement.

Maybe Mr. Rollin could meet with Mr. Sutherland and Mr. Harris and go over them.

The CHAIRMAN. If you want to talk among yourselves and see if you can agree on them, all right.

Mr. SUTHERLAND. We will be glad to do that.

The CHAIRMAN. If there are no further suggestions or statements, we will insert in the record at this point a telegram from Mr. G. F. Vaughn, president, Association of American Seed Control Officials, and a telegram from Mr. Buford Jones, chairman, legislative committee, Association of Official Seed Analysts.

(The telegrams referred to above follow:)

JACKSON, MISS., August 22, 1966.

HON. HAROLD COOLEY,
Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.:

The Association of American Seed Control officials comprised of seed regulatory officials of the 50 States endorses in principle H.R. 15662 providing for amendments to the Federal Seed Act. Will be unable to appear personally.

G. F. VAUGHN, *President.*

OKLAHOMA CITY, OKLA., August 23, 1966.

COMMITTEE ON AGRICULTURE,
House of Representatives,
Longworth Building, Washington, D.C.:

Proposed amendments to Federal Seed Act (H.R. 15662) approved in principle by legislative committee AOSA. Insert approval in record.

BUFORD JONES,
Chairman, Legislative Committee, Association of Official Seed Analysts.

The CHAIRMAN. The committee stands adjourned.

(Whereupon, at 11:10 a.m., the committee stood in adjournment.)

LEGISLATIVE HISTORY

Public Law 89-686
H.R. 15662

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DIGEST OF PUBLIC LAW 89-686

AMENDMENTS TO FEDERAL SEED ACT. Amends the Federal Seed Act to improve definitions, require identification of hybrid seeds, require certain labeling of preinoculated seed and of variety for some kinds of agricultural seed, require more detailed labeling of larger containers of vegetable seeds, distinguish "fine textured" and "coarse kinds" in lawn seed mixtures, extend the time required for retesting seeds under certain conditions, require that records be kept for treated seed, provide certain exemptions from liability for labeling treated seed, require labeling of treated seed offered for importation, provide for testing of imported seed for pure-live seed on basis of statistical sampling, exempt certain imported seed from pure-live seed and staining requirements, and reduce the amount of noxious-weed seeds permitted in imported seed.

INDEX AND SUMMARY OF H. R. 15662

May	9, 1966	Sen. Ellender introduced S. 3324 which was referred to Senate Agriculture and Forestry Committee. Print of bill as introduced.
June	14, 1966	Rep. Cooley introduced H. R. 15662 which was referred to House Agriculture Committee. Print of bill as introduced.
Aug.	24, 1966	House committee voted to report H. R. 15662.
Sept.	14, 1966	House committee reported H. R. 15662 with amendments. H. Report 2042. Print of bill and report.
Sept.	19, 1966	House passed H. R. 15662 under suspension of the rules.
Sept.	20, 1966	H. R. 15662 was referred to Senate Agriculture and Forestry Committee. Print of bill as referred.
Sept.	21, 1966	Senate committee voted to report H. R. 15662.
Sept.	22, 1966	Senate committee reported H. R. 15662 with amendments. S. Report 1632. Print of bill and report.
Sept.	26, 1966	Senate passed H. R. 15662 as reported.
Oct.	5, 1966	House concurred in Senate amendments to H. R. 15662.
Oct.	15, 1966	Approved: Public Law 89-686.

Hearing: House Agriculture Committee on
H. R. 15662, Serial SS.

89TH CONGRESS
2D SESSION

S. 3324

IN THE SENATE OF THE UNITED STATES

MAY 9, 1966

MR. ELLENDER introduced the following bill; which was read twice and referred
to the Committee on Agriculture and Forestry

A BILL

To amend the Federal Seed Act (53 Stat. 1275), as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That sections 101 (a) (1), 101 (a) (8) (A) (ii), 101 (a)
4 (9) (A) (ii), and 101 (a) (10) of the Federal Seed Act
5 (53 Stat. 1275, 1277, 1278, 70 Stat. 908, 7 U.S.C. 1561
6 (a) (1), 1561 (a) (8) (A) (ii), 1561 (a) (9) (A) (ii), and
7 1561 (a) (10)) are hereby amended by deleting therefrom
8 the words "Alaska" and "Hawaii" and the commas appear-
9 ing after such words.

10 SEC. 2. Section 101 (a) (7) (A) of said Act (53 Stat.

1 1276, 72 Stat. 476, 7 U.S.C. 1561 (a) (7) (A)) is amend-
2 ed to read as follows:

3 “(A) ‘Agricultural seeds’ shall mean grass, forage,
4 and field crop seeds which the Secretary of Agriculture finds
5 are used for seeding purposes in the United States and which
6 he lists in the rules and regulations prescribed under section
7 402 of this Act.”

8 SEC. 3. Section 101 (a) (11) of said Act (53 Stat.
9 1278, 7 U.S.C. 1561 (a) (11)) is amended by substituting
10 for the words “wheat”, “oat”, “vetch”, and “sweetclover”
11 the words “soybean”, “flax”, “carrot”, and “radish.”

12 SEC. 4. Section 201 (a) of said Act (53 Stat. 1279, 7
13 U.S.C. 1571 (a)) is amended by changing the introductory
14 portion thereof to read as follows:

15 “(a) Any agricultural seeds or any mixture of agri-
16 cultural seeds for seeding purposes, unless each container
17 bears a label giving the following information, except as
18 provided in subsection (j) of this section for seed mixtures
19 intended for lawn and turf purposes, in accordance with rules
20 and regulations prescribed under section 402 of this Act:”.

21 SEC. 5. Section 201 (a) (1) of said Act (53 Stat.
22 1279; 7 U.S.C. 1571 (a) (1)) is amended to read as follows:

23 “(1) The name of the kind or kind and variety for
24 each agricultural seed component present in excess of 5
25 per centum of the whole and the percentage by weight of

1 each: *Provided*, That if any such component is one which
 2 the Secretary of Agriculture has determined, in rules and
 3 regulations prescribed under section 402 of this Act, is gen-
 4 erally labeled as to variety, the label shall bear, in addition
 5 to the name of the kind, either the name of such variety or
 6 the statement 'Variety Not Stated.' and *Provided further*,
 7 that in the case of any such component which is a hybrid
 8 seed it shall, in addition to the above requirements, be desig-
 9 nated as hybrid seed on the label."

10 SEC. 6. Section 201 (a) of said Act (53 Stat. 1279;
 11 7 U.S.C. 1571 (a)) is amended by adding at the end thereof
 12 a new paragraph (10), to read as follows:

13 "(10) The year and month beyond which an inoculant,
 14 if shown in the labeling, is no longer claimed to be effective."

15 SEC. 7. Section 201 (b) of said Act (53 Stat. 1280, 72
 16 Stat. 476; 7 U.S.C. 1571 (b)) is amended as follows:

17 "(b) Any vegetable seeds, for seeding purposes, in con-
 18 tainers, unless each container bears a label giving the follow-
 19 ing information in accordance with rules and regulations
 20 prescribed under section 402 of this Act:

21 "(1) For containers of one pound or less of seed that
 22 germinates equal to or above the standard last established
 23 by the Secretary of Agriculture, as provided under section
 24 403 (c) of this Act—

25 "(A) Name of each kind and variety of seed and if

1 two or more kinds of varieties are present, the percent-
2 age of each; and

3 “(B) Name and address of—

4 “(i) the person who transports, or delivers for
5 transportation, said seed in interstate commerce; or

6 “(ii) the person to whom the seed is sold or
7 shipped for resale, together with a code designation
8 approved by the Secretary of Agriculture under
9 rules and regulations prescribed under section 402
10 of this Act, indicating the person who transports or
11 delivers for transportation said seed in interstate
12 commerce;

13 “(2) For containers of one pound or less of seed that
14 germinates less than the standard last established by the Sec-
15 retary of Agriculture, as provided under section 403 (c) of
16 this Act—

17 “(A) Name of each kind and variety of seed and
18 if two or more kinds or varieties are present, the per-
19 centage of each;

20 “(B) For each named kind and variety of seed—

21 “(i) the percentage of germination, exclusive
22 of hard seed;

23 “(ii) the percentage of hard seed, if present;

24 “(iii) the calendar month and year the test
25 was completed to determine such percentages;

1 “(iv) the words Below Standard; and

2 “(C) Name and address of—

3 “(i) the person who transports, or delivers for
4 transportation, said seed in interstate commerce; or

5 “(ii) the person to whom the seed is sold or
6 shipped for resale, together with a code designation
7 approved by the Secretary of Agriculture under
8 rules and regulations prescribed under section 402
9 of this Act, indicating the person who transports
10 or delivers for transportation said seed in interstate
11 commerce.

12 “(3) For containers of more than one pound of seed—

13 “(A) Name of each kind and variety of seed and
14 if two or more kinds or varieties are present, the per-
15 centage of each;

16 “(B) Lot number or other lot identification;

17 “(C) For each named kind and variety of seed—

18 “(i) the percentage of germination, exclusive of
19 hard seed;

20 “(ii) the percentage of hard seed, if present;

21 “(iii) the calendar month and year the test was
22 completed to determine such percentages; and

23 “(D) Name and address of—

24 “(i) the person who transports, or delivers for

1 transportation, said seed in interstate commerce; or

2 “(ii) the person to whom the seed is sold or

3 shipped for resale, together with a code designa-

4 tion approved by the Secretary of Agriculture under

5 rules and regulations prescribed under section 402

6 of this Act, indicating the person who transports or

7 delivers for transportation said seed in interstate

8 commerce.”

9 SEC. 8. Clause (b) of section 201 (c) of said Act (53
10 Stat. 1280, 7 U.S.C. 1571 (c)) is amended to read as fol-

11 lows: “(b) a longer period for any kind of agricultural or

12 vegetable seed which is packaged in such container ma-

13 terials and under such other conditions prescribed by the

14 Secretary of Agriculture as he finds will, during such longer

15 period, maintain the viability of said seed under ordinary con-

16 ditions of handling.”

17 SEC. 9. Section 201 (i) (4) of said Act (72 Stat. 477,

18 7 U.S.C. 1571 (i) (4)) is amended to read as follows:

19 “(4) A description, approved by the Secretary of Agri-

20 culture as adequate for the protection of the public, of any

21 process used in such treatment.”

22 SEC. 10. Section 201 of said Act (53 Stat. 1279, 7

23 U.S.C. 1571) is amended by adding at the end thereof a

24 new subsection (j) to read as follows:

25 “(j) Any agricultural seed mixtures intended for lawn

1 and turf seed purposes, in containers of fifty pounds or less,
2 unless each container thereof bears a label giving the follow-
3 ing information and statements in accordance with rules and
4 regulations prescribed under section 402 of this Act:

5 “(1) The headings ‘Fine-Textured Grasses’ and ‘Coarse
6 Kinds’, and specified in tabular form thereunder in type no
7 larger than the headings, for each lawn and turf seed com-
8 ponent present in excess of 5 per centum of the whole or
9 named on the label:

10 “(i) the name of the kind, or kind and variety,

11 “(ii) the percentage by weight of each, in order of
12 its predominance under the appropriate heading required
13 above,

14 “(iii) the percentage of germination of each, exclu-
15 sive of hard seed,

16 “(iv) the percentage of hard seed, if present, and

17 “(v) the calendar month and year the test was
18 completed to determine such percentages.

19 “(2) The heading ‘Other Ingredients’, and specified
20 thereunder in type no larger than the heading the following
21 information:

22 “(A) Percentage by weight of weed seeds, includ-
23 ing noxious-weed seeds;

24 “(B) Percentage by weight of agricultural seeds

1 other than those included under paragraph (1) of this
2 subsection;

3 “(C) Percentage by weight of inert matter.

4 “(3) The following additional information:

5 “(A) Lot number or other identification;

6 “(B) Kinds of noxious-weed seeds and the rate of
7 occurrence of each, which rate shall be expressed in
8 accordance with and shall not exceed the rate allowed
9 for shipment, movement, or sale of such noxious-weed
10 seeds by the law and regulations of the State into which
11 the seed is offered for transportation or transported, or
12 in accordance with the rules and regulations of the Sec-
13 retary of Agriculture, when under the provisions of
14 section 101 (a) (9) (A) (iii) he shall determine that
15 weeds other than those designated by State requirements
16 are noxious;

17 “(C) Name and address of—

18 “(i) the person who transports, or delivers for
19 transportation, said seed in interstate commerce, or

20 “(ii) the person to whom the seed is sold or
21 shipped for resale, together with a code designation
22 approved by the Secretary of Agriculture under
23 rules and regulations prescribed under section 402
24 of this Act, indicating the person who transports or

delivers for transportation said seed in interstate commerce.”

SEC. 11. Section 202 of said Act (53 Stat. 1281, 72 Stat. 477; 7 U.S.C. 1572) is amended by inserting the word “treatment” followed by a comma immediately preceding the word “germination” wherever said word appears in said section.

SEC. 12. (a) Section 203 (d) of said Act (53 Stat. 1282; 7 U.S.C. 1573 (d)) is amended to read as follows:

“(d) The provisions of section 201 (a) and (b) relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or kind and variety of seeds shall not be deemed violated if there are seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the seeds to be that stated.”

1 (b) Section 203 of said Act is amended by adding at
2 the end thereof a new subsection (e) reading as follows:

3 “(e) The provisions of section 201 (i) relative to the
4 labeling of agricultural and vegetable seeds with the name
5 of the substance used in the treatment of seeds shall not
6 be deemed violated by any person, other than the person
7 treating the seed or causing the seed to be treated if such
8 person relies upon representations by the seller of the seed
9 concerning such treatment and if the substance or substances
10 used in such treatment could not be, or were not identified
11 by such person: *Provided*, That the records of the person
12 charged with the duty under said section of labeling or
13 invoicing the seed, kept in accordance with the rules and
14 regulations of the Secretary of Agriculture, together with
15 other pertinent facts, disclose that said person has taken
16 reasonable precautions to insure the identity of the substance
17 to be that stated.”

18 SEC. 13. Section 301 (a) (4) of said Act (72 Stat.
19 478; 7 U.S.C. 1581 (a) (4)) is amended to read as follows:

20 “(4) Any seed containing 10 per centum or more of
21 any agricultural or vegetable seeds, unless the invoice per-
22 taining to such seed and any other labeling of such seed
23 bear a lot identification and the name of each kind and
24 variety of vegetable seed present in any amount and each
25 kind or kind and variety of agricultural seed present in

1 excess of 5 per centum of the whole, and unless in the case
2 of hybrid seed present in excess of 5 per centum of the
3 whole it is designated as hybrid seed.”

4 SEC. 14. Section 301 (a) of said Act (53 Stat. 1282,
5 7 U.S.C. 1581 (a)) is further amended by adding at the end
6 thereof a new paragraph (5) to read as follows:

7 “(5) Any agricultural seeds or any mixture thereof, or
8 any vegetable seeds or any mixture thereof, for seeding
9 purposes, that have been treated, unless each container
10 thereof bears a label giving the following information and
11 statements in accordance with rules and regulations pre-
12 scribed under section 402 of this Act:

13 “(A) A word or statement indicating that the seeds
14 have been treated;

15 “(B) The commonly accepted coined, chemical
16 (generic), or abbreviated chemical name of any sub-
17 stance used in such treatment;

18 “(C) If the substance used in such treatment in the
19 amount remaining with the seeds is harmful to humans
20 or other vertebrate animals, an appropriate caution state-
21 ment approved by the Secretary of Agriculture as ade-
22 quate for the protection of the public, such as ‘Do not
23 use for food or feed or oil purposes’: *Provided*, That the
24 caution statement for mercurials and similarly toxic sub-
25 stances, as defined in said rules and regulations, shall be

1 a representation of a skull and crossbones and a state-
2 ment such as 'This seed has been treated with POISON',
3 in red letters on a background of distinctly contrasting
4 color; and

5 " (D) A description, approved by the Secretary of
6 Agriculture as adequate for the protection of the public,
7 of any process used in such treatment."

8 SEC. 15. Section 302 (a) of said Act (53 Stat. 1283,
9 72 Stat. 478; 7 U.S.C. 1582 (a)) is amended by inserting
10 after the first sentence thereof the following sentence: "The
11 Secretary of Agriculture may apply statistical sampling and
12 inspection techniques to said samples and screenings to
13 determine whether the pure live seed requirement of any
14 kind of seed is being met, in which case, he shall advise
15 the importer of each lot of seed not examined for pure live
16 seed percentage."

17 SEC. 16. Section 302 (d) of the Act (72 Stat. 479; 7
18 U.S.C. 1582 (d)) is amended by adding at the end thereof
19 a new paragraph (3) reading as follows:

20 " (3) when seed not meeting the pure live seed require-
21 ments of section 304 of this title will not be sold within
22 the United States and will be used for seed production only
23 by or for the importer or consignee: *Provided*, That the
24 importer of record or consignee files a statement in accord-
25 ance with the rules and regulations prescribed under sec-

1 tion 402 of this Act certifying that such seed will be used
2 only for seed production by or for the importer or consignee.”

3 SEC. 17. Section 302 of said Act (53 Stat. 1283, 72
4 Stat. 479; 7 U.S.C. 1582) is further amended by adding at
5 the end thereof a new paragraph (e) reading as follows:

6 “(e) The provisions of this title requiring certain seeds
7 to be stained shall not apply when such seed will not be sold
8 within the United States and will be used for seed production
9 only by or for the importer or consignee: *Provided*, That the
10 importer of record or consignee files a statement in accord-
11 ance with the rules and regulations prescribed under section
12 402 of this Act certifying that such seed will be used only for
13 seed production by or for the importer or consignee.”

14 SEC. 18. Section 304 of said Act (53 Stat. 1284; 7
15 U.S.C. 1584) is amended to read as follows:

16 “SEC. 304. Seed subject to the provisions of section 301
17 is unfit for seeding purposes (a) if any such seed contains
18 noxious-weed seeds, or (b) if any such seed contains more
19 than 2 per centum by weight of weed seeds, or (c) if any
20 such seed contains less than 75 per centum of pure live seed,
21 or if any component of such seed present to the extent of 10
22 per centum or more contains less than 75 per centum of pure
23 live seed: *Provided*, That when the Secretary of Agriculture
24 shall find that any such seed or any kind of seed present to

1 the extent of 10 per centum or more cannot be produced to
2 contain 75 per centum of pure live seed, he may set up such
3 standards from time to time for pure live seed as he finds can
4 be produced and seed conforming to such standards shall not
5 be deemed to be unfit for seeding purposes.”

A BILL

To amend the Federal Seed Act (53 Stat. 1275),
as amended.

By Mr. ELLENDER

MAY 9, 1966

Read twice and referred to the Committee on
Agriculture and Forestry

89TH CONGRESS
2D SESSION

H. R. 15662

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 1966

Mr. COOLEY introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Seed Act (53 Stat. 1275), as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That sections 101 (a) (1), 101 (a) (8) (A) (ii), 101 (a)
4 (9) (A) (ii), and 101 (a) (10) of the Federal Seed Act
5 (53 Stat. 1275, 1277, 1278; 70 Stat. 908, 7 U.S.C. 1561
6 (a) (1), 1561 (a) (8) (A) (ii), 1561 (a) (9) (A) (ii), and
7 1561 (a) (10)) are hereby amended by deleting therefrom
8 the words "Alaska" and "Hawaii" and the commas appear-
9 ing after such words.

10 SEC. 2. Section 101 (a) (7) (A) of said Act (53 Stat.
11 1276; 72 Stat. 476, 7 U.S.C. 1561 (a) (7) (A)) is amended
12 to read as follows:

1 “(A) ‘Agricultural seeds’ shall mean grass, forage, and
2 field crop seeds which the Secretary of Agriculture finds are
3 used for seeding purposes in the United States and which
4 he lists in the rules and regulations prescribed under section
5 402 of this Act.”

6 SEC. 3. Section 101 (a) (11) of said Act (53 Stat.
7 1278; 7 U.S.C. 1561 (a) (11)) is amended by substituting
8 for the words “wheat”, “oat”, “vetch”, and “sweetclover”
9 the words “soybean”, “flax”, “carrot”, and “radish.”

10 SEC. 4. Section 201 (a) of said Act (53 Stat. 1279; 7
11 U.S.C. 1571 (a)) is amended by changing the introductory
12 portion thereof to read as follows:

13 “(a) Any agricultural seeds or any mixture of agricul-
14 tural seeds for seeding purposes, unless each container bears
15 a label giving the following information, except as provided
16 in paragraph (j) of this section of seed mixtures intended
17 for lawn and turf purposes, in accordance with rules and
18 regulations prescribed under section 402 of this Act:”

19 SEC. 5. Section 201 (a) (1) of said Act (53 Stat.
20 1279; 7 U.S.C. 1571 (a) (1)) is amended to read as
21 follows:

22 “(1) The name of the kind or kind and variety for
23 each agricultural seed component present in excess of 5
24 per centum of the whole and the percentage by weight of
25 each: *Provided*, That if any kind of seed is present which

1 the Secretary of Agriculture has determined, in rules and
2 regulations prescribed under section 402 of this Act, is
3 generally labeled as to variety, the label shall bear, in
4 addition to the name of the kind, either the name of such
5 variety or the statement 'Variety Not Stated.' *And pro-*
6 *vided further,* That in the case of hybrid seed it shall, in
7 addition to the above requirements, be so designated on
8 the label."

9 SEC. 6. Section 201 (a) of said Act (53 Stat. 1279;
10 7 U.S.C. 1571 (a)) is amended by adding at the end thereof
11 a new paragraph (10), to read as follows:

12 " (10) The year and month beyond which an inoculant,
13 if shown in the labeling, is no longer claimed to be effective."

14 SEC. 7. Section 201 (b) of said Act (53 Stat. 1280,
15 72 Stat. 476, 7 U.S.C. 1571 (B) is amended to read as
16 follows:

17 " (b) Any vegetable seeds, for seeding purposes, in
18 containers, unless each container bears a label giving the
19 following information in accordance with rules and regula-
20 tions prescribed under section 402 of this Act:

21 " (1) For containers of one pound or less of seed that
22 germinates equal to or above the standard last established
23 by the Secretary of Agriculture, as provided under section
24 403 (c) of this Act—

1 “(A) Name of each kind and variety of seed and
2 if two or more kinds or varieties are present, the per-
3 centage of each; and

4 “(B) Name and address of—

5 “(i) The person who transports, or delivers
6 for transportation, said seed in interstate commerce;
7 or

8 “(ii) the person to whom the seed is sold or
9 shipped for resale, together with a code designation
10 approved by the Secretary of Agriculture under
11 rules and regulations prescribed under section 402
12 of this Act, indicating the person who transports
13 or delivers for transportation said seed in interstate
14 commerce;

15 “(2) For containers of one pound or less of seed that
16 germinates less than the standard last established by the
17 Secretary of Agriculture, as provided under section 403 (c)
18 of this Act—

19 “(A) Name of each kind and variety of seed and
20 if two or more kinds or varieties are present, the per-
21 centage of each;

22 “(B) For each named kind and variety of seed—

23 “(i) the percentage of germination, exclusive
24 of hard seed;

1 “(ii) the percentage of hard seed, if present;

2 “(iii) the calendar month and year the test

3 was completed to determine such percentages;

4 “(iv) the words “Below Standard”; and

5 “(C) Name and address of—

6 “(i) the person who transports, or delivers

7 for transportation, said seed in interstate commerce;

8 or

9 “(ii) the person to whom the seed is sold or

10 shipped for resale, together with a code designation

11 approved by the Secretary of Agriculture under rules

12 and regulations prescribed under section 402 of this

13 Act, indicating the person who transports or delivers

14 for transportation said seed in interstate commerce.

15 “(3) For containers of more than one pound of seed—

16 “(A) Name of each kind and variety of seed and

17 if two or more kinds or varieties are present, the per-

18 centage of each;

19 “(B) Lot number or other lot identification;

20 “(C) For each named kind and variety of seed—

21 “(i) the percentage of germination, exclusive

22 of hard seed;

23 “(ii) the percentage of hard seed, if present;

24 “(iii) the calendar month and year the test

1 was completed to determine such percentages; and

2 “(D) Name and address of—

3 “(i) the person who transports, or delivers for
4 transportation, said seed in interstate commerce; or

5 “(ii) the person to whom the seed is sold or
6 shipped for resale, together with a code designation
7 approved by the Secretary of Agriculture under
8 rules and regulations prescribed under section 402
9 of this Act, indicating the person who transports or
10 delivers for transportation said seed in interstate
11 commerce.”

12 SEC. 8. Clause (b) of section 201 (c) of said Act (53
13 Stat. 1280; 7 U.S.C. 1571 (c)) is amended to read as
14 follows:

15 “(b) a longer period for any kind of agricultural or
16 vegetable seed which is packaged in such container ma-
17 terials and under such other conditions prescribed by the
18 Secretary of Agriculture as he finds will, during such longer
19 period, maintain the viability of said seed under ordinary
20 conditions of handling.”

21 SEC. 9. Section 201 (i) (4) of said Act (72 Stat. 477;
22 7 U.S.C. 1571 (i) (4)) is amended to read as follows:

23 “(4) A description, approved by the Secretary of

1 Agriculture as adequate for the protection of the public,
2 of any process used in such treatment.”

3 SEC. 10. Section 201 of said Act (53 Stat. 1279; 7
4 U.S.C. 1571) is amended by adding at the end thereof
5 a new subsection (j) to read as follows:

6 “(j) Any agricultural seed mixtures intended for lawn
7 and turf seed purposes, in containers of fifty pounds or less,
8 unless each container thereof bears a label giving the follow-
9 ing information and statements in accordance with rules
10 and regulations prescribed under section 402 of this Act:

11 “(1) The headings ‘Fine-textured Grasses’ and ‘Coarse
12 Kinds’, and specified in tabular form thereunder in type no
13 larger than the headings, for each lawn and turf seed com-
14 ponent present in excess of 5 per centum of the whole or
15 named on the label:

16 “(i) the name of the kind, or kind and variety,

17 “(ii) the percentage by weight of each, in order of
18 its predominance under the appropriate heading re-
19 quired above,

20 “(iii) the percentage of germination of each, ex-
21 clusive of hard seed,

22 “(iv) the percentage of hard seed, if present, and

1 “(v) the calendar month and year the test was
2 completed to determine such percentages.

3 “(2) The heading ‘Other Ingredients’, and specified
4 thereunder in type no larger than the heading the following
5 information:

6 “(A) Percentage by weight of weed seeds, includ-
7 ing noxious weed seeds;

8 “(B) Percentage by weight of agricultural seeds
9 other than those included under paragraph (1) of this
10 subsection;

11 “(C) Percentage by weight of inert matter.

12 “(3) The following additional information:

13 “(A) Lot number or other identification;

14 “(B) Kinds of noxious-weed seeds and the rate of
15 occurrence of each, which rate shall be expressed in
16 accordance with and shall not exceed the rate allowed
17 for shipment, movement, or sale of such noxious-weed
18 seeds by the law and regulations of the State into which
19 the seed is offered for transportation or transported,
20 or in accordance with the rules and regulations of the
21 Secretary of Agriculture, when under the provisions of
22 section 101 (a) (9) (A) (iii) he shall determine that
23 weeds other than those designated by State requirements
24 are noxious;

25 “(C) Name and address of—

1 “(i) the person who transports, or delivers for
2 transportation, said seed in interstate commerce, or
3 “(ii) the person to whom the seed is sold or
4 shipped for resale, together with a code designation
5 approved by the Secretary of Agriculture under
6 rules and regulations prescribed under section 402
7 of this Act, indicating the person who transports
8 or delivers for transportation said seed in interstate
9 commerce.”

10 SEC. 11. Section 202 of said Act (53 Stat. 1281, 72
11 Stat. 477; 7 U.S.C. 1572) is amended by inserting the
12 word “treatment” followed by a comma immediately pre-
13 ceding the word “germination” wherever said word appears
14 in said section.

15 SEC. 12. Section 203 (d) of said Act (53 Stat. 1282;
16 7 U.S.C. 1573 (d)) is amended to read as follows:

17 “(d) The provisions of sections 201 (a) and (b)
18 relative to the labeling of agricultural and vegetable seeds
19 with the percentages of the kind or kind and variety of
20 seeds shall not be deemed violated if there are seeds in
21 the container or bulk which could not be, or were not,
22 identified because of their indistinguishability in appearance
23 from the seeds intended to be transported or delivered for
24 transportation in interstate commerce: *Provided*, That the
25 records of the person charged with the duty under said

1 section of labeling or invoicing the seeds, kept in accord-
2 ance with the rules and regulations of the Secretary of
3 Agriculture, together with other pertinent facts, disclose
4 that said person has taken reasonable precautions to insure
5 the identity of the seeds to be that stated.

6 “(b) Section 203 of said Act is amended by adding
7 at the end thereof a new subsection (e) reading as follows:

8 “(e) The provisions of section 201 (i) relative to the
9 labeling of agricultural and vegetable seeds with the name
10 of the substance used in the treatment of seeds shall not
11 be deemed violated by any person, other than the person
12 treating the seed or causing the seed to be treated if such
13 person relies upon representations by the seller of the seed
14 concerning such treatment and if the substance or sub-
15 stances used in such treatment could not be, or were not
16 identified by such person: *Provided*, That the records of
17 the person charged with the duty under said section of label-
18 ing or invoicing the seed, kept in accordance with the rules
19 and regulations of the Secretary of Agriculture, together
20 with other pertinent facts, disclose that said person has
21 taken reasonable precautions to insure the identity of the
22 substance to be that stated.”

23 SEC. 13. Section 301 (a) (4) of said Act (72 Stat.
24 478; 7 U.S.C. 1581 (a) (4)) is amended to read as follows:

25 “(4) Any seed containing 10 per centum or more of

1 any agricultural or vegetable seeds unless the invoice per-
2 taining to such seed and any other labeling of such seed bear
3 a lot identification and the name of each kind and variety
4 of vegetable seed present or kind or kind and variety of
5 agricultural seed present in excess of 5 per centum of the
6 whole and unless in the case of hybrid seed it is so desig-
7 nated:”.

8 SEC. 14. Section 301 (a) of said Act (53 Stat. 1282;
9 7 U.S.C. 1581 (a)) is further amended by adding at the
10 end thereof a new paragraph (5) to read as follows:

11 “(5) Any agricultural seeds or any mixture thereof,
12 or any vegetable seeds or any mixture thereof, for seeding
13 purposes, that have been treated, unless each container
14 thereof bears a label giving the following information and
15 statements in accordance with rules and regulations pre-
16 scribed under section 402 of this Act:

17 “(A) A word or statement indicating that the
18 seeds have been treated;

19 “(B) The commonly accepted coined, chemical
20 (generic), or abbreviated chemical name of any sub-
21 stance used in such treatment;

22 “(C) If the substance used in such treatment in
23 the amount remaining with the seeds is harmful to
24 humans or other vertebrate animals, an appropriate
25 caution statement approved by the Secretary of Agri-

1 culture as adequate for the protection of the public,
2 such as 'Do not use for food or feed or oil purposes':
3 *Provided*, That the caution statement for mercurials and
4 similarly toxic substances, as defined in said rules and
5 regulations, shall be a representation of a skull and cross-
6 bones and a statement such as 'This seed has been
7 treated with POISON', in red letters on a background
8 of distinctly contrasting color; and

9 " (D) A description, approved by the Secretary of
10 Agriculture as adequate for the protection of the public,
11 of any process used in such treatment."

12 SEC. 15. Section 302 (a) of said Act (53 Stat. 1283,
13 72 Stat. 478; 7 U.S.C. 1582 (a)) is amended by inserting
14 after the first sentence thereof the following sentence:

15 "The Secretary of Agriculture may apply statistical
16 sampling and inspection techniques to said samples and
17 screenings to determine whether the pure-live seed require-
18 ment of any kind of seed is being met, in which case, he
19 shall advise the importer of each lot of seed not examined
20 for pure-live seed percentage."

21 SEC. 16. Section 302 (d) of the Act (72 Stat. 479,
22 7 U.S.C. 1582 (d)) is amended by adding at the end
23 thereof a new paragraph (3) reading as follows:

24 " (3) when seed not meeting the pure-live seed
25 requirements of section 304 of this title will not be sold

1 within the United States and will be used for seed
2 production only by or for the importer or consignee:
3 *Provided*, That the importer of record or consignee
4 files a statement in accordance with the rules and regu-
5 lations prescribed under section 402 of this Act certify-
6 ing that such seed will be used only for seed production
7 by or for the importer or consignee.”

8 SEC. 17. Section 302 of said Act (53 Stat. 1283, 72
9 Stat. 479, 7 U.S.C. 1582) is further amended by adding
10 at the end thereof a new paragraph (e) reading as follows:

11 “(e) The provisions of this title requiring certain seeds
12 to be stained shall not apply when such seed will not be
13 sold within the United States and will be used for seed pro-
14 duction only by or for the importer or consignee: *Provided*,
15 That the importer of record or consignee files a statement in
16 accordance with the rules and regulations prescribed under
17 section 402 of this Act certifying that such seed will be used
18 only for seed production by or for the importer or consignee.”

19 SEC. 18. Section 304 of said Act (53 Stat. 1284, 7
20 U.S.C. 1584) is amended to read as follows:

21 “SEC. 304. Seed subject to the provisions of section 301
22 is unfit for seeding purposes: (a) if any such seed contains
23 noxious-weed seeds, or (b) if any such seed contains more
24 than 2 per centum by weight of weed seeds, or (c) if any
25 such seed contains less than 75 per centum of pure-live seed,

1 or if any component of such seed present to the extent of 10
2 per centum or more contains less than 75 per centum of pure-
3 live seed: *Provided*, That when the Secretary of Agriculture
4 shall find that any such seed or any kind of seed present to
5 the extent of 10 per centum or more cannot be produced to
6 contain 75 per centum of pure-live seed, he may set up such
7 standards from time to time for pure-live seed as he finds
8 can be produced and seed conforming to such standards shall
9 not be deemed to be unfit for seeding purposes.”

80TH CONGRESS
2D SESSION

H. R. 15662

A BILL

To amend the Federal Seed Act (53 Stat. 1275),
as amended.

By Mr. COOLEY

JUNE 14, 1966

Referred to the Committee on Agriculture

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued August 25, 1966
For actions of August 24, 1966
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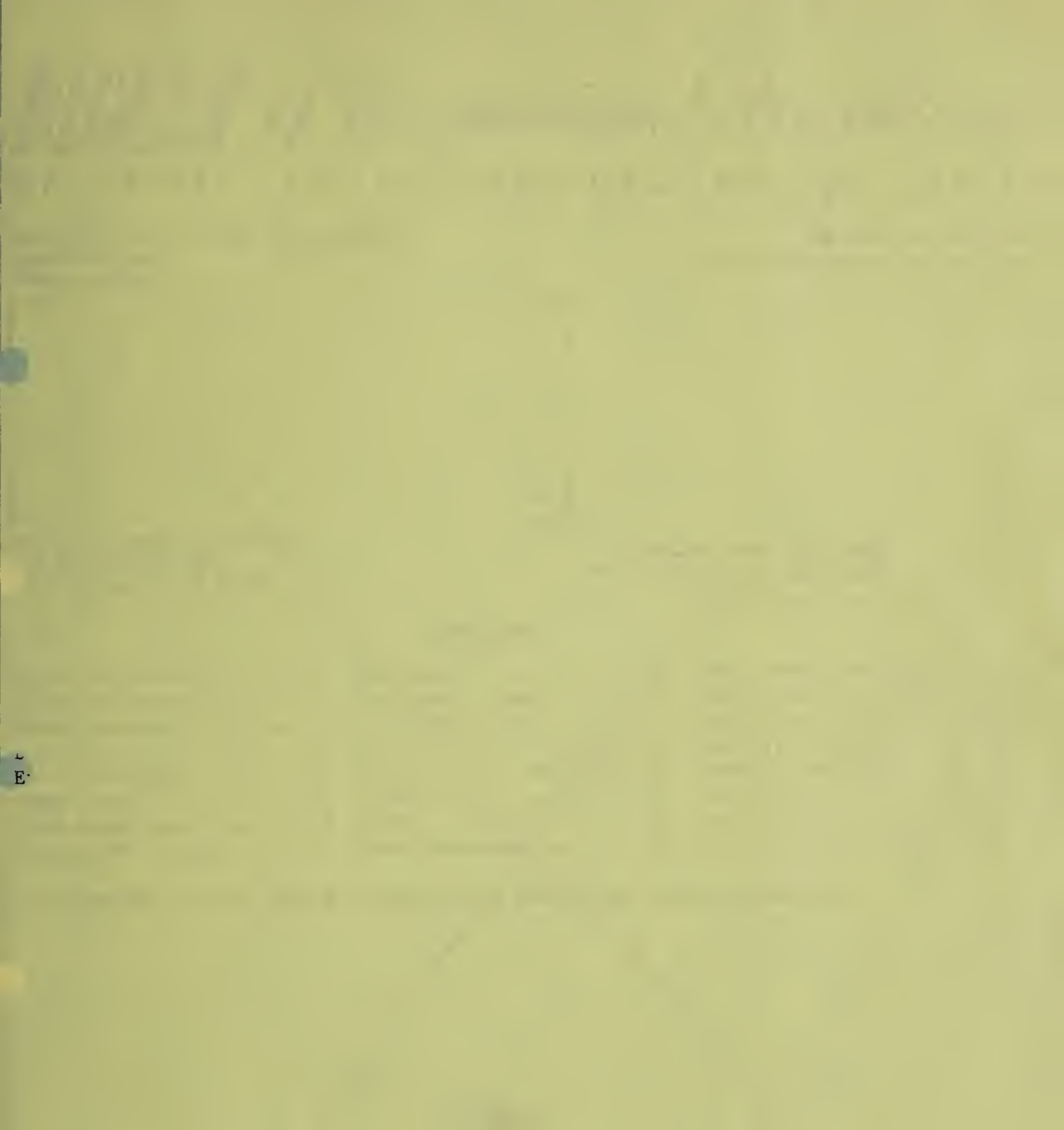
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HIGHLIGHTS: Both Houses agreed to conference report on agricultural appropriations bill. House committee voted to report bill to amend Federal Seed Act and cotton processors loans bill. Rep. Dague spoke in opposition to rural community development bill. Senate committee voted to report food for freedom bill. (continued on page 5)

HOUSE

1. AGRICULTURAL APPROPRIATION BILL. Both Houses agreed to the conference report on this bill, H. R. 14596. (pp. 19503-8, 19641-4). This bill will now be sent to the President. (See Digest No. 140 for table showing changes agreed upon.)
2. RECREATION. The Interior and Insular Affairs Committee reported with amendment S. 3510, to authorize the Secretary of the Interior to study the feasibility and desirability of the Connecticut River National Recreation Area (H. Rept. 1870). p. 19576

3. TRANSPORTATION. Received the conference report on S. 3700, the urban mass transportation bill (H. Rept. 1869). p. 19576
Began debate on H. R. 15963, to establish a Department of Transportation. pp. 19509-33
4. SEED. The Agriculture Committee voted to report (but did not actually report) H. R. 15662, to amend the Federal Seed Act. p. D801
5. COTTON. The Agriculture Committee voted to report (but did not actually report) H. R. 16888, to provide assistance to first processors of cotton who have suffered substantial losses because of the economic impact of cotton programs of this Department. p. D801
6. DISASTER RELIEF. A subcommittee of the Public Works Committee approved for full committee consideration S. 1861, to provide additional assistance to areas suffering a major disaster. p. D802
7. PERSONNEL. The Ways and Means Committee reported H. R. 16774, to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay (H. Rept. 1885). p. 19577
The House Administration Committee voted to report (but did not actually report) S. 1474, to create a bipartisan commission to study Federal laws limiting political activity by officers and employees of Government. p. D801
8. MILITARY CONSTRUCTION. Received the conference report on S. 3105, the military construction bill, which includes a provision to reimburse CCC for family housing (H. Rept. 1887). p. 19577
9. WORLD FARM CENTER. The Agriculture Committee voted to report (but did not actually report) H. Con. Res. 313, to endorse the concept of a World Farm Center. p. D801
10. WATER RESOURCES. Agreed to the conference report on S. 3034, to authorize the Interior Department to engage in studies of the feasibility of certain water resource development proposals. pp. 19508-9
11. WATERSHEDS. Received from the Agriculture Committee work plans for various watershed projects. pp. 19499-500
12. TRAFFIC SAFETY. Conferees were appointed on S. 3005, to establish motor vehicle safety standards. Senate conferees have already been appointed. p. 19508
13. POVERTY. Rep. Sikes criticized "the reckless spending under the poverty program." p. 19500
14. RURAL COMMUNITY DEVELOPMENT. Rep. Dague spoke in opposition to S. 2934, the rural community development districts bill. p. 19501
15. FOOD PRICES. Rep. Gerald R. Ford inserted an article which criticizes Secretary Freeman's statement to Democratic congressional candidates on food prices. p. 19557
16. VEHICLES. Received from the Comptroller General a report of potential reductions in cost of automotive travel by Federal employees where use of Government-owned vehicles is feasible; to Government Operations Committee. p. 19576





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HIGHLIGHTS: Senate agreed to conference report on labor standards bill.

SENATE

1. LABOR STANDARDS. Agreed to, 55-38, the conference report on H. R. 13712, to extend the coverage of the Fair Labor Standards Act to additional groups, including agricultural employees, and to increase minimum wages under the Act. This bill will now be sent to the President. pp. 21730-50
2. CIVIL RIGHTS. Rejected, 54 yeas to 42 nays (a two-thirds vote being required), a cloture motion on H. R. 14765, the civil rights bill. pp. 21631-8, 21690-8, 21716-30, 21751
3. INTEREST RATES. The Banking and Currency Committee reported without amendment H. R. 14026, to provide for more flexible regulation of maximum rates of interest or dividends payable by banks and certain other financial institutions on

deposits or share accounts, to authorize higher reserve requirements on time deposits at member banks, to authorize open market operations in agency issues by the Federal Reserve banks, etc. (S. Rept. 1601). p. 21622

4. SEA-GRANT COLLEGES. Passed with amendment H. R. 16559, to authorize sea-grant colleges. S. 2439, the companion bill, was indefinitely postponed. pp. 21708-16
5. SALT-WATER RESEARCH. Received from the Interior Department a proposed bill to provide for participation by that Department in construction and operation of a large prototype desalting plant. To Interior and Insular Affairs Committee. p. 21622
6. SCHOOL MILK. Sen. Proxmire spoke in support of the school milk program. p. 21645
7. FOOD NEEDS. Sen. Clark inserted an article on food needs of the world. pp. 21754-7

HOUSE

8. MILITARY-CONSTRUCTION APPROPRIATION BILL. Passed 346-3, as reported this bill, H. R. 17637. pp. 21569-93
9. CHILD NUTRITION. Conferees were appointed on S. 3467, the child nutrition bill. Senate conferees have been appointed. p. 21593
10. RURAL DEVELOPMENT. Rep. Evins, Tenn., inserted the President's statement on the importance of rural development. pp. 21600-2
11. WATER POLLUTION. Rep. Rhodes, Ariz., inserted the Republican Policy Committee's statement on the water pollution control program. pp. 21607-8
Rep. Vivian inserted testimony by Rep. William D. Ford favoring additional water-pollution control. pp. 21613-4
12. EXTENSION WORK. Rep. Natcher commended the work of 4-H clubs. pp. 21612-3
13. FOOD MARKETING. Rep. Rosenthal inserted an article analyzing the work of the National Commission on Food Marketing. pp. 21615-7
14. SEEDS. The Agriculture Committee reported with amendments H. R. 15662, to make various amendments to the Federal Seed Act (H. Rept. 2042). p. 21619
15. LAND BANKS. The Banking and Currency Committee voted to report (but did not actually report) S. J. Res. 153, to provide for medals in commemoration of the 50th anniversary of the Federal land bank system. p. D876

ITEMS IN APPENDIX

16. SEA-GRANT COLLEGES. Speech in the House by Rep. Downing in support of legislation to establish and operate sea-grant colleges and programs. p. A4807
17. TEXTILES. Rep. Whitener inserted the reply of the Avondale Mills president to Sen. Curtis' recommendation that the government "abandon the understanding

UPDATE THE FEDERAL SEED ACT

SEPTEMBER 14, 1966.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H.R. 15662]

The Committee on Agriculture, to whom was referred the bill (H.R. 15662) to amend the Federal Seed Act (53 Stat. 1275), as amended, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 2, beginning on line 22, strike out lines 22 through 25 and on page 3, strike out lines 1 through 8 and insert:

“(1) The name of the kind or kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: *Provided*, That if any such component is one which the Secretary of Agriculture has determined, in rules and regulations prescribed under section 402 of this Act, is generally labeled as to variety, the label shall bear, in addition to the name of the kind, either the name of such variety or the statement ‘Variety Not Stated’: *And provided further*, That in the case of any such component which is a hybrid seed it shall, in addition to the above requirements, be designated as hybrid on the label.”

Page 4, strike out lines 1 through 3 and insert:

“(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and”.

Page 4, strike out lines 19 through 21 and insert:

“(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and”.

Page 5, strike out lines 16 through 18 and insert:

“(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label;”.

Page 10, strike out lines 8 through 22 and insert:

“(e) the provisions of section 201(i) relative to the labeling of agricultural and vegetable seeds with the name of any substance used in the treatment of seeds shall not be deemed violated if the substance or substances used in such treatment could not be, or were not identified because of their indistinguishability from the substance or substances intended to be used in the treatment of the seeds: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclosed that said person has taken reasonable precautions to insure the identity of the substance or substances to be as stated.”

Page 10, strike out line 25 and on page 11, strike out lines 1 through 7 and insert:

“(4) Any seed containing 10 per centum or more of any agricultural or vegetable seeds, unless the invoice pertaining to such seed and any other labeling of such seed bear a lot identification and the name of each kind and variety of vegetable seed present in any amount and each kind or kind and variety of agricultural seed present in excess of 5 per centum of the whole, and unless in the case of hybrid seed present in excess of 5 per centum of the whole it is designated as hybrid.”

Page 14, line 9, add the following new section:

SEC. 19. Section 101(a)(4) of said Act (53 Stat. 1275, 7 U.S.C. 1561(a)(4)) is amended by inserting the word “treatment,” before the word “variety”.

PURPOSE

The purpose of this bill is to update and modernize the Federal Seed Act (7 U.S.C. 1551 et seq.) under which the Department of Agriculture prevents the importation of seed that is adulterated, mislabeled, or unfit for sowing purposes and also, in cooperation with State seed officials, regulates and enforces labeling requirements of seed which is shipped in interstate commerce.

NEED FOR THE LEGISLATION

The Federal Seed Act became law on August 9, 1939, and has not been substantially amended since that time. H.R. 15662 does not change the basic policies or purposes of the act in any respect but merely amends the law in a minor fashion in numerous places in order to modernize it and bring it up to date in conformity with present-day development of seed production and distribution and with practices of the seed trade.

The bill was developed by the American Seed Trade Association in cooperation with State seed officials, the land-grant colleges, and the Department of Agriculture. It bears the approval of all these organizations and agencies.

HEARINGS AND COMMITTEE AMENDMENTS

At hearings on the bill, the Department of Agriculture, the American Seed Trade Association, and Southern Seedsmen's Association appeared in favor of the bill. There were no witnesses in opposition.

The Department of Agriculture in its testimony suggested several amendments to the bill. These were opposed in part by members of the American Seed Trade Association and at the conclusion of the hearings the chairman asked the representatives of the Department of Agriculture and the association to confer on the proposed amendments of the Department and try to work out language which was agreeable to both.

This was done and the amendments adopted by the committee are those recommended by the Department of Agriculture, as modified and approved in conference with the association.

COST

The Department of Agriculture, in its report on the bill dated August 22, 1966, states that enactment of H.R. 15662 is not expected to result in any increased cost to the Government.

DEPARTMENTAL APPROVAL

Under date of August 22, 1966, the Department of Agriculture reported favorably on H.R. 15662, noting the concurrence of the Bureau of the Budget. Since that letter deals mainly with proposed minor amendments of the Department of Agriculture, the statement presented by the spokesman for the Department of Agriculture at hearings on the bill is printed herewith in lieu of the usual departmental report.

STATEMENT OF U.S. DEPARTMENT OF AGRICULTURE ON PROPOSED AMENDMENTS TO THE FEDERAL SEED ACT—H.R. 15662

The Federal Seed Act of August 9, 1939, was designed to correct certain abuses in the merchandising of agricultural and vegetable seed in interstate commerce and to prevent the importation of seed that is adulterated, mislabeled, or unfit for sowing purposes. The provisions pertaining to interstate commerce require detailed labeling of seed. They provide basically for truth in labeling and advertising

of seed so there may be fair dealing and so the farmer and gardener shall have guidance and protection. The interstate provisions of the act are enforced with the cooperation of State seed officials and over 400 State seed inspectors. The import provisions are enforced under joint authority with the Treasury Department.

Experience in the administration of the act indicates that certain changes can be made to (1) relieve the industry of some unnecessary burdens, and (2) strengthen certain provisions and clarify others. The proposed amendments would not add to the cost of administering the act, inasmuch as savings expected from one of the amendments would be used to implement enforcement of several new sections of the act contained in H.R. 15662.

The proposed amendments, if adopted as set forth in H.R. 15662, would make many minor changes as indicated in the Department report on the bill. Our comments will be confined to the most significant changes that will take place if the bill is passed.

1. At present, the Federal Seed Act does not require agricultural seed to be labeled as to variety—only as to kind of seed. In other words, wheat can be sold as just wheat with no information as to whether it is the Justin, Pawnee, or Selkirk variety. Many trademarks or brands, however, are being used in such manner that they are mistakenly being considered as variety names by farmers. Section 5 of the bill would require that if a kind of seed is present which the Secretary has determined is generally labeled as to variety, the label shall bear the name of that variety or the statement "Variety not stated." This will prevent confusion between brands or trademarks and variety names when variety names are not stated on the label. In addition, this section, as well as two other sections, would require all hybrid seed to be labeled as such in order to warn the purchaser that seed produced from the crop should not normally be used for planting because of loss in yield in the second generation.

2. Seed of many kinds of legumes is inoculated with rhizobia to insure nitrogen formation by the plants produced from the seed. A new practice of inoculating seed previous to sale has raised a problem as to how long the rhizobia used as an inoculant will be effective. Previously, when the farmer inoculated his seed just before placing it in the drill this problem did not exist. Section 6 of the bill would require seed that has been inoculated to be labeled with the month and year beyond which the inoculant may no longer be effective. The purchaser would thus be warned that outdated inoculated seed may have to be reinoculated to insure its effectiveness.

3. At present, the Federal Seed Act does not require detailed labeling of vegetable seed as to germination if the seed is above a specified standard in germination. If below standard, it must be labeled to show the percentage of germination, the date of the germination test, and the words "below standard." These requirements were originally devised primarily for the home gardener who would not be able to judge whether a particular germination percentage was normal, average, or superior. The commercial gardener, however, is interested in the precise germination of every lot of seed purchased so that precise planting plans can be made to produce an optimum crop properly spaced for efficient cultivating and harvesting. Section 7 of the bill would require that vegetable seeds in containers of more than 1 pound be labeled with detailed germination information, whether or not below the standards established by the Secretary.

Such seed labeled as to germination percentage would not have to be labeled "below standard."

4. The Federal Seed Act now requires seed to be tested for germination within 5 months previous to interstate shipment. Most States permit seed to be sold for 9 months without retesting. Section 8 of the bill would authorize the Secretary of Agriculture, by rules and regulations, to stipulate a longer period of time after the germination test is made in which seed may be shipped interstate if packaged under specified conditions. Research has shown that certain kinds of seed possessing high vigor, when dried to low moisture content and packaged in hermetically sealed containers, will maintain germination for as long as 3 years. Under proper controls, seedsmen will be able to package some seeds which will be viable and not require retesting and relabeling for several seasons of planting.

5. The present wording of the act requires, in part, that the name of each kind or kind and variety of seed be shown in labeling lawn or turf grass mixtures. Considerable education is required on the part of the consumer in order that he may make an intelligent selection of the kinds and varieties best suited for his purpose. Section 10 of the bill would require that mixtures of agricultural seed intended for lawn and turf purposes be labeled, in addition, to indicate those kinds or varieties of seed that are considered "fine textured" and those that are "coarse kinds." This would enable the homeowner to purchase such seed on the basis of whether it will produce coarse- or fine-textured turf without specific technical knowledge regarding each kind or variety in the mixture.

6. Section 11 of the bill would require interstate shippers to keep records of treatment of seed in addition to records of origin, germination, and purity already required to be kept under section 202 of the act. Section 12 would add a new subsection (e) to section 203 of the act to exempt persons from liability for labeling treated seed when relying on the representations of suppliers and otherwise exercising reasonable care. In this connection, it is further suggested that section 101(a)(4) of the Federal Seed Act be amended by inserting the word "treatment" and a comma before the word "variety." This section, a statement clarifying and expanding the definition of interstate commerce, presently relates only to labeling for variety and origin. This proposed amendment would make section 101(a)(4) of the act consistent with section 203 of the act.

7. Our testing of samples of all seed lots offered for importation during the last 5 years has shown less than 1 percent rejected. Some kinds have never been rejected and some so seldom that the continued testing of every sample for pure-live seed does not appear worthwhile because of the delay of as much as 28 days involved in making some germination tests. Section 15 of the bill would enable the Secretary to random sample in testing imported seed for pure-live seed percentage instead of testing every sample. On those samples in which a pure-live seed determination is not made, the importer shall be so informed. If he then requests a complete test, it will be done on a fee basis. All lots would continue to be examined to determine that they do not exceed the weed-seed restrictions before release into the commerce of the United States.

8. The act presently prohibits the importation of all seed not meeting the pure-live seed requirements. This has hampered our program of producing seed of foreign varieties under contract for export by

rejecting the entrance of low-germinating stock seed from Europe which was to be used to reproduce seed in the United States for re-shipment to Europe. Section 16 would provide that seed offered for importation and not meeting the pure-live seed requirements may be admitted if the seed is to be used for seed production purposes only by or for the importer, is not to be sold in the United States, and the importer so certifies.

9. The act now requires all alfalfa and red clover seed imported into the United States to be stained to indicate the country of origin. Farmers or contract growers importing seed directly from foreign shippers for planting are now burdened with this requirement. They know the country of origin, but they must stain the seed before they are permitted to place it in their own drill for seeding. Section 17 of the bill would provide that seed offered for importation and subject to the staining requirements of the act may be admitted without the required staining if the seed is to be planted by or for the importer for seed production purposes only, is not to be sold in the United States, and the importer so certifies.

10. Presently, the act permits importation of seed containing considerable quantities of harmful noxious-weed seeds because of (1) specified allowances contained in the act, and (2) tolerances recognized in seed testing. In many instances, such seed is precluded from sale within the States. Section 18 of the bill would provide that seed offered for importation containing any noxious-weed seeds would be considered unfit for seeding purposes and would be refused admission. Of course, the usual tolerances used in seed testing would be allowed to recognize normal variations in tests.

Since submitting its report on the bill, the Department has discovered an error in section 18 on page 14, line 2. It is suggested that the word "pure" and the hyphen thereafter be deleted, as the percentage of pure-live seed of components of a mixture cannot be determined.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

FEDERAL SEED ACT, AS AMENDED

TITLE I.—DEFINITIONS

SEC. 101. (a) When used in this Act—

(1) The term "United States" means the several States, **[Alaska,]** District of Columbia, **[Hawaii,]** and Puerto Rico.

(2) The term "person" includes a partnership, corporation, company, society, or association.

(3) The term "interstate commerce" means—

(A) commerce between any State, Territory, possession, or the District of Columbia, and any other State, Territory, possession, or the District of Columbia; or

(B) commerce between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or

(C) commerce within the District of Columbia.

(4) For the purpose of this Act with respecting to labeling for *treatment*, variety and origin (but not in anywise limiting the foregoing definition), seeds shall be considered to be in interstate commerce, or delivered for transportation in interstate commerce, if such seeds are part of, or delivered for transportation in, that current of commerce usual in the transportation and/or merchandising of seeds, whereby such seeds are sent from one State with the expectation that they will end their transit in another, including, in addition to cases within the above general description, all cases where seeds are transported or delivered for transportation to another State, or for processing or cleaning for seeding purposes within the State and shipment outside the State of the processed or cleaned seeds. Seeds normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act.

(5) The term "foreign commerce" means commerce between the United States, its possessions, or any Territory of the United States, and any foreign country.

(6)(a) The term "district court of the United States" means any court exercising the powers of a district court of the United States.

(b) The term "circuit court of appeals," in case the principal place of business or the place of residence of a person against whom a cease and desist order is issued is in the District of Columbia, includes the Court of Appeals of the District of Columbia.

(7) The term—

[(A) "Agricultural seeds" shall include grass, forage, and field crop seeds, as follows:

 [*Agropyron cristatum* (L.) Beauv.—Crested wheatgrass.

 [*Agropyron pauciflorum* (Schwein.) Hitchc.—Slender wheatgrass.

 [*Agropyron smithii* Rydb.—Bluestem.

 [*Agrostis alba* L.—Redtop.

 [*Agrostis canina* L.—Velvet bent.

 [*Agrostis palustris* Huds.—Creeping bent.

 [*Agrostis* spp.—Bentgrasses.

 [*Avena* spp.—Oat.

 [*Beta vulgaris* L.—Field beet.

 [*Brassica napus* L.—Winter rape.

 [*Bromus inermis* Leyss.—Smooth brome.

 [*Chloris gayana* Kunth.—Rhodesgrass.

 [*Dactylis glomerata* L.—Orchardgrass.

 [*Echinochloa crusgalli frumentacea* (Roxb.) Wight.—Japanese millet.

 [*Fagopyrum vulgare* Hill.—Common buckwheat.

 [*Festuca* spp.—Fescue.

 [*Gossypium* spp.—Cotton.

 [*Hordeum* spp.—Barley.

 [*Lespedeza sericea* (Thunb.) Miq.—Chinese lespedeza.

 [*Lespedeza stipulacea* Maxim.—Korean lespedeza.

 [*Lespedeza striata* (Thunb.) Hook. and Arn.—Common and Kobe lespedeza.

 [*Linum usitatissimum* L.—Flax.

 [*Lolium multiflorum* Lam.—Italian ryegrass.

 [*Lolium perenne* L.—Perennial ryegrass.

- [*Medicago arabica* (L.) All.—Burclover.
- [*Medicago hispida* Gaert.—Burclover.
- [*Medicago lupulina* L.—Black medick.
- [*Medicago sativa* L.—Alfalfa.
- [*Melilotus alba* Desr.—White sweetclover.
- [*Melilotus indica* (L.) All.—Sourclover.
- [*Melilotus officinalis* (L.) Lam.—Yellow sweetclover.
- [*Melinis minutiflora* Beauv.—Molassesgrass.
- [*Oryza sativa* L.—Rice.
- [*Panicum fasciculatum* Swartz.—Browntop millet.
- [*Panicum milliaceum* L.—Proso millet.
- [*Paspalum dilatatum* Poir.—Dallisgrass.
- [*Paspalum natatum* Fluegge.—Bahia grass.
- [*Pennisetum glaucum* (L.) R. Br.—Pearl millet.
- [*Pennisetum purpureum* Schumacher.—Napiergrass.
- [*Phleum pratense* L.—Timothy.
- [*Phalaris arundinacea* L.—Reed canarygrass.
- [*Pisum sativum arvense* L. (Poir).—Field pea, Austrian winter pea.
- [*Poa annua* L.—Annual bluegrass.
- [*Poa compressa* L.—Canada bluegrass.
- [*Poa nemoralis* L.—Wood bluegrass.
- [*Poa pratensis* L.—Kentucky bluegrass.
- [*Poa trivialis* L.—Rough bluegrass.
- [*Secale cereale* L.—Rye.
- [*Setaria italica* (L.) Beauv.—Foxtail, German, Hungarian, or golden millet.
- [*Soja max* (L.) Piper.—Soybean.
- [*Sorghum vulgare* Pers.—Sorghum.
- [*Sorghum vulgare sudanense* (Piper) Hitchc.—Sudangrass.
- [*Stizolobium utile* (Wall.) Piper and Tracy.—Velvetbean.
- [*Trifolium dubium* Sibth.—Suckling clover.
- [*Trifolium hybridum* L.—Alsike clover.
- [*Trifolium incarnatum* L.—Crimson clover.
- [*Trifolium pratense* L.—Red clover.
- [*Trifolium repens* L.—White clover.
- [*Triticum* spp.—Wheat; spelt; emmer.
- [*Vicia angustifolia* (L.) Reich.—Narrowleaf vetch.
- [*Vicia atropurpurea* Desf.—Purple vetch.
- [*Vicia dasycarpa* Ten.—Woolypod vetch.
- [*Vicia montantha* Desf.—Monantha vetch.
- [*Vicia pannonica* Crantz.—Hungarian vetch.
- [*Vicia sativa* L.—Common vetch.
- [*Vicia villosa* Roth.—Hairy vetch.
- [*Vigna sinensis* (Torner) Savi.—Cowpea.
- [*Zea mays* L.—Field corn:

[*Provided*, That the Secretary of Agriculture is authorized by rules and regulations to add to or take from such list of agricultural seed, when he finds that any seeds are or are not used for seeding purposes in the United States.]

(A) "*Agricultural seeds*" shall mean grass, forage, and field crop seeds which the Secretary of Agriculture finds are used for seeding purposes in the United States and which he lists in the rules and regulations prescribed under section 402 of this Act.

(B) "Vegetable seeds" shall include the seeds of those crops that are or may be grown in gardens or on truck farms and are or may be generally known and sold under the name of vegetable seeds.

(8)(A) For the purpose of title II, the term "weed seeds" means the seeds or bulblets of plants recognized as weeds either by the law or rules and regulations of—

(i) The State into which the seed is offered for transportation, or transported; or

(ii) [Alaska,] [Hawaii,] Puerto Rico, Guam, or District of Columbia into which transported, or District of Columbia in which sold.

(B) For the purpose of title III, the term "weed seeds" means seeds or bulblets of plants which are found by the Secretary of Agriculture to be detrimental to the agricultural interests of the United States, or any part thereof.

(9)(A) For the purpose of title II, the term "noxious-weed seeds" means the seeds or bulblets of plants recognized as noxious—

(i) by the law or rules and regulations of the State into which the seed is offered for transportation, or transported;

(ii) by the law or rules and regulations of [Alaska,] [Hawaii,] Puerto Rico, Guam, or the District of Columbia, into which transported, or District of Columbia in which sold; or

(iii) by the rules and regulations of the Secretary of Agriculture under this Act, when after investigation he shall determine that a weed is noxious in the United States or in any specifically designated area thereof.

(B) For the purpose of title III, the term "noxious-weed seeds" means the seeds of *Lepidium draba* L., *Lepidium repens* (Schrenk) Boiss, *Hymenophyssa pubescens* C. A., Mey, white top; *Cirsium arvense* (L.) Scop., Canada thistle; *Cuscuta* supp., dodder; *Agropyron repens* (L.) Beauv., quackgrass; *Sorghum halepense* (L.) Pers., Johnson grass; *Convolvulus arvensis* L., bindweed; *Centaurea picris* Pall., Russian knapweed; *Sonchus arvensis* L., perennial sowthistle; *Euphorbia esula* L., leafy spurge; and seeds of bulblets of any other kinds which after investigation the Secretary of Agriculture finds should be included.

(10) The term "origin" means the State, [Alaska,] District of Columbia, [Hawaii,] Puerto Rico, or possessions of the United States, or the foreign country, or designated portion thereof, where the seed was grown.

(11) The term "kind" means one or more related species or subspecies which singly or collectively is known by one common name, for example, [wheat] *soybean*, [oat] *flax*, [vetch] *carrot*, [sweet-clover] *radish*, cabbage, cauliflower, and so forth.

(12) The term "variety" means a subdivision of a kind which is characterized by growth, plant, fruit, seed or other characters by which it can be differentiated from other sorts of the same kind, for example, Marquis wheat, Flat Dutch cabbage, Manchu soybeans, Oxheart carrot, and so forth.

(13) The term "type" means either (A) a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions, or (B) when used with a variety name means seed of the variety named which may be mixed with seed of other varieties of the same kind and of similar character,

the manner of and the circumstances connected with the use of the designation to be governed by rules and regulations prescribed under section 402 of this Act.

(14) The term "germination" means the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions (not including seeds which produce weak, malformed, or obviously abnormal sprouts), determined by methods prescribed under section 403 of this Act.

(15) The term "hard seed" means the percentage of seeds which because of hardness or impermeability do not absorb moisture or germinate under prescribed tests but remain hard during the period prescribed for germination of the kind of seed concerned, determined by methods prescribed under section 403 of this Act.

(16) The term "inert matter" means all matter not seeds, and includes among others broken seeds, sterile florets, chaff, fungus bodies, and stones, determined by methods prescribed under section 403 of this act.

(17) The term "pure live seed" for the purpose of title III means that portion of any lot seed subject to this act that consists of live agricultural or vegetable seed determined by methods prescribed under section 403 of this act.

(18) The term "label" means the display or displays of written, printed, or graphic matter upon or attached to the container of seed.

(19) The term "labeling" includes all labels, and other written, printed, and graphic representations, in any form whatsoever, accompanying and pertaining to any seed whether in bulk or in containers, and includes invoices.

(20) The term "advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this Act.

(21) Subject to such tolerances as the Secretary of Agriculture is authorized to prescribe under the provisions of this Act—

(A) the term "false labeling" means any labeling which is false or misleading in any particular;

(B) the term "false advertisement" means any advertisement which is false or misleading in any particular.

(22) The term "screenings" shall include chaff, sterile florets, immature seed, weed seed, inert matter, or any other materials removed in any way from any seeds in any kind of cleaning or processing and which contain less than 25 per centum of live agricultural or vegetable seeds.

(23) The term "in bulk" refers to seed when loose either in vehicles of transportation or in storage, and not to seed in bags or other containers.

(24) The term "treated" means given an application of a substance or subjected to a process designed to reduce, control, or repel disease organisms, insects or other pests which attack seeds or seedlings growing therefrom.

(25) The term "seed certifying agency" means (A) an agency authorized under the laws of a State, Territory, or possession, to officially certify seed, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedure and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A).

TITLE II.—INTERSTATE COMMERCE

PROHIBITIONS RELATING TO INTERSTATE COMMERCE IN CERTAIN SEEDS

SEC. 201. It shall be unlawful for any person to transport or deliver for transportation in interstate commerce—

[(a) Any agricultural seeds or any mixture of agricultural seeds for seeding purposes, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of this Act:]

(a) Any agricultural seeds or any mixture of agricultural seeds for seeding purposes, unless each container bears a label giving the following information, except as provided in paragraph (j) of this section for seed mixtures intended for lawn and turf purposes, in accordance with the rules and regulations prescribed under section 402 of this Act:

[(1) The name of (A) kind, or (B) kind and variety, or (C) kind and type, for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: *Provided*, That such components are expressed in accordance with the category designated under (A), (B), or (C):]

(1) The name of the kind or kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: Provided, That if any such component is one which the Secretary of Agriculture has determined, in the rules and regulations prescribed under section 402 of this Act, is generally labeled as to variety, the label shall bear, in addition to the name of the kind, either the name of such variety or the statement 'Variety Not Stated': And provided further, That in the case of any such component which is a hybrid seed it shall, in addition to the above requirements, be designated as hybrid on the label.

(2) Lot number or other identification;

(3) Origin, stated in accordance with paragraph (a)(1) of this section, of each agricultural seed present which has been designated by the Secretary of Agriculture as one on which a knowledge of the origin is important from the standpoint of crop production, if the origin is known, and if each such seed is present in excess of 5 per centum. If the origin of such agricultural seed or seeds is unknown, that fact shall be stated;

(4) Percentage by weight of weed seeds, including noxious-weed seeds;

(5) Kinds of noxious-weed seeds and the rate of occurrence of each, which rate shall be expressed in accordance with and shall not exceed the rate allowed for shipment, movement, or sale of such noxious-weed seeds by the law and regulations of the State into which the seed is offered for transportation or transported or in accordance with the rules and regulations of the Secretary of Agriculture, when under the provisions of section 101(a)(9)(A) (iii) he shall determine that weeds other than those designated by State requirements are noxious;

(6) Percentage by weight of agricultural seeds other than those included under paragraph (a)(1) of this section;

(7) Percentage by weight of inert matter;

(8) For each agricultural seed, in excess of 5 per centum of the whole, stated in accordance with paragraph (a)(1) of this

section, and each kind or variety or type of agricultural seed shown in the labeling to be present in a proportion of 5 per centum or less of the whole, (A) percentage of germination, exclusive of hard seed, (B) percentage of hard seed, if present, and (C) the calendar month and year the test was completed to determine such percentages;

(9) Name and address of (A) the person who transports, or delivers for transportation, said seed in interstate commerce, or (B) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under the rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce;

(10) The year and month beyond which an inoculant, if shown in the labeling, is no longer claimed to be effective.

[(b) Any vegetable seeds, for seeding purposes, in containers, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of this act;

[(1) Name of each kind and variety of seed and if two or more kinds or varieties are present, the percentage of each;

[(2) For each variety of vegetable seeds which germinates less than the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

[(i) percentage of germination, exclusive of hard seed;

[(ii) percentage of hard seed, if present;

[(iii) the calendar month and year the test was completed to determine such percentages;

[(iv) the words "Below Standard"; and

[(3) Name and address of—

[(A) The person who transports, or delivers for transportation, said seed in interstate commerce; or

[(B) The person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.]

(b) Any vegetable seeds, for seeding purposes, in containers, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of this Act:

(1) For containers of one pound or less of seed that germinated equal to or above the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

(B) Name and address of—

(i) The person who transports, or delivers for transportation, said seed in interstate commerce; or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the

person who transports or delivers for transportation said seed in interstate commerce;

(2) For containers of one pound or less of seed that germinates less than the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

(B) For each named kind and variety of seed—

(i) the percentage of germination, exclusive of hard seed;

(ii) the percentage of hard seed, if present;

(iii) the calendar month and year the test was completed to determine such percentages;

(iv) the words "Below Standard"; and

(C) Name and address of—

(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.

(3) For containers of more than one pound of seed—

(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

(B) Lot number or other identification;

(C) For each named kind and variety of seed—

(i) the percentage of germination, exclusive of hard seed;

(ii) the percentage of hard seed, if present;

(iii) the calendar month and year the test was completed to determine such percentages; and

(D) Name and address of—

(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.

(c) Any agricultural or vegetable seed unless the test to determine the percentage of germination required by this section shall have been completed within a five-month period, exclusive of the calendar month in which the test was completed, immediately prior to transportation or delivery for transportation in interstate commerce: *Provided, however,* That the Secretary of Agriculture may by rules and regulations designate: (a) a shorter period for kinds of agricultural or vegetable seed which he finds under ordinary conditions of handling will not maintain, during the aforesaid five-month period, a germination within the established limits of tolerance; or (b) a longer period

not to exceed nine months, exclusive of the calendar month in which the test was completed, for kinds of agricultural or vegetable seed which he finds under ordinary conditions of handling will maintain during such longer period a germination within the established limits of tolerance.】 (b) *a longer period for any kind of agricultural or vegetable seed which is packaged in such container materials and under such other conditions prescribed by the Secretary of Agriculture as he finds will, during such longer period, maintain the viability of said seed under ordinary conditions of handling.*

(d) Any agricultural seeds or vegetable seeds having a false labeling, or pertaining to which there has been a false advertisement, or to sell or offer for sale such seed for interstate shipment by himself or others.

(e) Seed which is required to be stained under the provisions of this Act and the regulations made and promulgated thereunder, and is not so stained.

(f) Seed which has been stained to resemble seed stained in accordance with the provisions of this Act and the regulations made and promulgated thereunder.

(g) Seed which is a mixture of seeds which are required to be stained or which are stained with different colors under the provisions of this Act and of the regulations made and promulgated thereunder, or which is a mixture of any seed required to be stained under the provisions of this Act and of the regulations made and promulgated thereunder, with seed of the same kind produced in the United States.

(h) Screenings of any seed subject to this Act, unless they are not intended for seeding purposes; and it is stated on the label, if in containers, or on the invoice, if in bulk, that they are intended for cleaning, processing or manufacturing purposes, and not for seeding purposes.

(i) Any agricultural seeds or any mixture thereof or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

(1) A word or statement indicating that the seeds have been treated;

(2) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

(3) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as "Do not use for food or feed or oil purposes": *Provided*, That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as "This seed has been treated with POISON", in red letters on a background of distinctly contrasting color; and

【(4) A description of process used in such treatment, approved by the Secretary of Agriculture as adequate for the protection of the public.】

(4) *A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment.*

(j) Any agricultural seed mixture intended for lawn and turf seed purposes, in containers of fifty pounds or less, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

(1) The headings "*Fine-textured Grasses*" and "*Coarse Kinds*", and specified in tabular form thereunder in type no larger than the headings, for each lawn and turf seed component present in excess of 5 per centum of the whole or named on the label:

- (i) the name of the kind, or kind and variety,
- (ii) the percentage by weight of each, in order of its predominance under the appropriate heading required above,
- (iii) the percentage of germination of each, exclusive of hard seed,
- (iv) the percentage of hard seed, if present, and
- (v) the calendar month and year the test was completed to determine such percentages.

(2) The heading "*Other Ingredients*", and specified thereunder in type no larger than the heading the following information:

(A) Percentage by weight of weed seeds, including noxious weed seeds;

(B) Percentage by weight of agricultural seeds other than those included under paragraph (1) of this subsection;

(C) Percentage by weight of inert matter.

(3) The following additional information:

(A) Lot number or other identification;

(B) Kinds of noxious-weed seeds and the rate of occurrence of each, which rate shall be expressed in accordance with and shall not exceed the rate allowed for shipment, movement, or sale of such noxious-weed seeds by the law and regulations of the State into which the seed is offered for transportation or transported, or in accordance with the rules and regulations of the Secretary of Agriculture, when under the provisions of section 101(a)(9)(A)(iii) he shall determine that weeds other than those designated by State requirements are noxious;

(C) Name and address of—

(i) the person who transports, or delivers for transportation, said seed in interstate commerce, or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.

RECORDS

SEC. 202. All persons transporting, or delivering for transportation, in interstate commerce, agricultural seeds shall keep for a period of three years a complete record of origin, *treatment*, germination, and purity of each lot of such agricultural seeds, and all persons transporting, or delivering for transportation, in interstate commerce, vegetable seeds shall keep for a period of three years a complete record of *treatment*, germination and variety of such vegetable seeds. The Secretary of Agriculture, or his duly authorized agents, shall have the

right to inspect such records for the purpose of the effective administration of this Act.

EXEMPTIONS

SEC. 203. (a) The provisions of sections 201 and 202 shall not apply to any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier: *Provided*, That such carrier is not engaged in processing or merchandising seed subject to the provisions of this Act; and such provisions shall not apply to seeds produced by any farmer on his own premises and sold by him directly to the consumer, provided such farmer is not engaged in the business of selling seeds not produced by him: *And provided further*, That such seeds produced or sold by him when transported or offered for transportation to any State, Territory, or District, shall not be exempted from the provisions of section 201 and 202 unless said seeds shall be in compliance with the operation and effect of the laws of such State, Territory, or District, enacted in the exercise of its police power, to the same extent and in the same manner as though such seed had been produced, sold, offered or exposed for sale in such State, Territory, or District, and shall not be exempted therefrom by reason of being introduced therein in original packages or otherwise: *And provided further*, That such seeds produced or sold by him are in compliance with the seed laws of the State into which the seed is transported.

(b) The provisions of section 201 (a), (b) or (i) shall not apply—

(1) to seed or grain not intended for seeding purposes when transported or offered for transportation in ordinary channels of commerce usual for such seed or grain intended for manufacture or for feeding; or

(2) to seed intended for seeding purposes when transported or offered for transportation in interstate commerce—

(A) if in bulk, in which case, however, the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under sections 201(a), (b) and (i); or

(B) if in containers and in quantities of twenty thousand pounds or more: *Provided*, That (i) the omission from each container of the information required under sections 201(a), (b), and (i) is with the knowledge and consent of the consignee prior to the transportation or delivery for transportation of such seed in interstate commerce, (ii) each container shall have stenciled upon it or bear a label containing a lot designation, and (iii) the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under sections 201(a), (b), and (i); or

(C) if consigned to a seed cleaning or processing establishment, to be cleaned or processed for seeding purposes: *Provided*, That (i) this fact is so stated in the invoice or other records accompanying and pertaining to such seed if the seed is in bulk or if the seed is in containers and in quantities of twenty thousand pounds or more, (ii) this fact is so stated on the attached labels if the seed is in containers and in quantities less than twenty thousand pounds, and (iii) any such seed later to be labeled as to origin

and/or variety shall be labeled as to origin and/or variety in accordance with rules and regulations prescribed under section 402 of this Act.

(c) When the Secretary of Agriculture finds that, because of the time interval between seed harvesting and sowing, or because of an emergency beyond human control, the information required by this Act as to the germination, and hard seed of certain kinds of seeds, cannot be given prior to transportation or delivery for transportation in interstate commerce, he may promulgate, with or without a hearing, rules and regulations providing that the provisions of section 201 (a) and (b) as to the required labeling for germination and hard seed shall not apply for such period and to such kinds of seed as he may specify in his said rules and regulations.

[(d) The provisions of section 201 (a) and (b) relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or variety or type of seeds shall not be deemed violated if there be other seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce, provided that the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken all proper precautions to insure the identity to be that stated.]

(d) The provisions of section 201 (a) and (b) relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or kind and variety of seeds shall not be deemed violated if there are seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce: Provided, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the seeds to be that stated.

(e) The provisions of section 201 (i) relative to the labeling of agricultural and vegetable seeds with the name of any substance used in the treatment of seeds shall not be deemed violated if the substance or substances used in such treatment could not be, or were not identified because of their indistinguishability, from the substance or substances intended to be used in the treatment of the seeds: Provided, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the substance or substances to be as stated.

DISCLAIMERS AND NONWARRANTIES

SEC. 204. * * *

FALSE ADVERTISING

SEC. 205. * * *

TITLE III.—FOREIGN COMMERCE

PROHIBITIONS AND PROCEDURES RELATING TO IMPORTATIONS

SEC. 301. (a) The importation into the United States is prohibited of—

(1) any seed containing 10 per centum or more of any agricultural or vegetable seeds if any such seed is adulterated or unfit for seeding purposes, or is required to be stained and is not so stained, under the terms of this title, or the labeling of which is false or misleading in any respect;

(2) screenings of any seeds subject to title III of this Act (except that this shall not apply to screenings of wheat, oats, rye, barley, buckwheat, field corn, sorghum, broomcorn, flax, millet, proso, soybeans, cowpeas, field peas, or field beans, which are not imported for seeding purposes and are declared for cleaning, processing, or manufacturing purposes, and not for seeding purposes);

(3) any seed containing 10 per centum or more of the seeds of alfalfa or red clover, which has been stained prior to being offered for entry in a manner that does not permit compliance with the provisions of this title and the regulations made and promulgated thereunder;

[(4) any seed containing 10 per centum or more of any vegetable seeds unless the invoice pertaining to such seed and any other labeling of such seed bear the name of each kind and variety of vegetable seed present.]

(4) any seed containing 10 per centum or more of any agricultural or vegetable seeds, unless the invoice pertaining to such seed and any other labeling of such seed bear a lot identification and the name of each kind and variety of vegetable seed present in any amount and each kind or kind and variety of agricultural seed present in excess of 5 per centum of the whole, and unless in the case of hybrid seed present in excess of 5 per centum of the whole it is designated as hybrid.

(5) any agricultural seeds or any mixture thereof, or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

(A) a word or statement indicating that the seeds have been treated;

(B) the commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

(C) if the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as "Do not use for food or feed or oil purposes": Provided, That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as "This seed has been treated with POISON", in red letters on a background of distinctly contrasting color; and

(D) a description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment.

SEC. 302. (a) The Secretary of the Treasury shall deliver to the Secretary of Agriculture, subject to joint rules and regulations prescribed under section 402 of this Act, samples of seed and screenings which are being imported into the United States, or offered for import, giving notice thereof to the owner or consignee, and if it appears from the examination of such samples that any seed or screenings offered to be imported into the United States are subject to the provisions of this title and do not comply with the provisions of this title, or if the labeling of such seed is false or misleading in any respect, such seed or screenings shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the owner or consignee, who may appear, however, before the Secretary of Agriculture and show cause why the seed or screenings should be admitted. *The Secretary of Agriculture may apply statistical sampling and inspection techniques to said samples and screenings to determine whether the pure-live seed requirement of any kind of seed is being met, in which case, he shall advise the importer of each lot of seed not examined for pure-live seed percentage.* Seed or screenings refused admission and not exported by the owner or consignee within twelve months from the date of notice of such refusal shall be destroyed in accordance with joint rules and regulations prescribed under section 402 of this Act: *Provided*, That the Secretary of the Treasury may authorize the delivery of seed or screenings which are being imported or offered for import to the owner or consignee thereof, pending decision as to the admission of such seed or screenings and for staining, cleaning, labeling, or other reconditioning if required to bring such seed or screenings into compliance with the provisions of this Act, upon the execution by such owner or consignee of a good and sufficient bond conditioned upon redelivery of the seed or screenings upon demand unless redelivery is waived because the seed is reconditioned to bring it into compliance with this Act or is destroyed under Government supervision under this Act, and providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury: *And provided further*, That all expenses incurred by the United States (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the supervision of staining, cleaning, labeling, other reconditioning, or destruction, of seed or screenings under this title shall be reimbursed to the United States by the owner or consignee of the seed or screenings, and such reimbursements shall be reccredited to the appropriation from which the expenses were paid, the amount of such expenses to be determined in accordance with joint regulations under section 402 of this Act, and all expenses in connection with the storage, cartage, and labor on the seed or screenings which are refused admission or delivery, shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against future importations made by such owner or consignee.

(b) The refuse from any seeds or screenings which are allowed to be cleaned under bond shall be destroyed in accordance with joint rules and regulations prescribed under section 402 of this Act.

(c) The provisions of this title shall not apply—

(1) when seed is shipped in bond through the United States, or

(2) when the Secretary of Agriculture finds that a substantial proportion of the importations of any kind of seed is used for other than seeding purposes, and he provides by rules and regulations that seed of such kind not imported for seeding purposes shall be exempted from the provisions of the Act: *Provided*, That importations of such kinds of seed shall be accompanied by a declaration setting forth the use for which imported when and as required under joint rules and regulations prescribed under section 402 of this Act.

(d) The provisions of this title prohibiting the importation of seed that is adulterated or unfit for seeding purposes shall not apply—

(1) when seed grown in the United States is returned from a foreign country without having been admitted into the commerce of any foreign country: *Provided*, That there is satisfactory proof as provided for in the joint rules and regulations prescribed under section 402 of this Act, that the seed was grown in the United States and was not admitted into the commerce of a foreign country and was not commingled with other seed, or

(2) when seed is imported for sowing for experimental or breeding purposes and not for sale: *Provided*, That declarations are filed, and importations are limited in quantity, as provided for in the rules and regulations prescribed under section 402 of this Act, to assure that the importations are for experimental or breeding purposes.

(3) *when seed not meeting the pure-live seed requirements of section 304 of this title will not be sold within the United States and will be used for seed production only by or for the importer or consignee: Provided, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee.*

(c) *The provisions of this title requiring certain seeds to be stained shall not apply when such seed will not be sold within the United States and will be used for seed production only by or for the importer or consignee: Provided, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee.*

ADULTERATED SEED

SEC. 303. * * *

SEED UNFIT FOR SEEDING PURPOSES

【SEC. 304. Seed subject to the provisions of section 301 is unfit for seeding purposes—

【(a) If any such seed contains noxious-weed seed at a rate in excess of—

【(1) one noxious-weed seed in each ten grams of the seed of timothy, orchard grass, bromegrass, crested wheatgrass, slender wheatgrass, ryegrass, sweetclover, alfalfa, millet, rape, flax, clovers, and species of *Agrostis*, *Festuca*, or *Poa*, or any kind of seed of a size and weight similar to or less than those named;

【(2) one noxious-weed seed in each twenty-five grams of the seed of sorghum, Sudan grass, and buckwheat, or any kind of seed of a size and weight greater than the seeds referred to in (a)(1) but less than seeds referred to in (a)(3) of this section;

【(3) one noxious-weed seed in each one hundred grams of the seed of wheat, oats, rye, barley, vetches, and corn, or any seed of a size and weight similar to or greater than such seed.

【(b) If any such seed contains more than 2 per centum by weight of weed seeds; or

【(c) If any such seed contains less than 75 per centum of pure, live seed, or if any component of such seed present to the extent of 10 per centum or more contains less than 75 per centum of live seed: *Provided*, That when the Secretary of Agriculture shall find that any such seed or any kind of seed present to the extent of 10 per centum or more cannot be produced to contain 75 per centum of pure, live seed, he may set up such standard from time to time for pure, live seed as he finds can be produced.】

SEC. 304. Seed subject to the provisions of section 301 is unfit for seeding purposes:

(a) if any such seed contains noxious-weed seeds, or

(b) if any such seed contains more than 2 per centum by weight of weed seeds, or

(c) if any such seed contains less than 75 per centum of pure-live seed, or if any component of such seed present to the extent of 10 per centum or more contains less than 75 per centum of live seed: Provided, That when the Secretary of Agriculture shall find that any such seed or any kind of seed present to the extent of 10 per centum or more cannot be produced to contain 75 per centum of pure-live seed, he may set up such standards from time to time for pure-live seed as he finds can be produced and seed conforming to such standards shall not be deemed to be unfit for seeding purposes.

CERTAIN SEEDS REQUIRED TO BE STAINED

SEC. 305. * * *

CERTAIN ACTS PROHIBITED

SEC. 306. * * *

TITLE IV—GENERAL PROVISIONS

DELEGATION OF DUTIES

SEC. 401. * * *

RULES AND REGULATIONS

SEC. 402. * * *

STANDARDS, TESTS, AND TOLERANCES

SEC. 403. * * *

PROHIBITION AGAINST ALTERATIONS

SEC. 404. * * *

SEIZURE

SEC. 405. * * *

PENALTIES

SEC. 406. * * *

SEC. 407. * * *

SEC. 408. * * *

CEASE AND DESIST PROCEEDINGS

SEC. 409. * * *

SEC. 410. * * *

SEC. 411. * * *

SEPARABILITY OF PROCEEDINGS

SEC. 412. * * *

SEC. 413. * * *

PUBLICATION

SEC. 414. * * *

AUTHORIZATION FOR APPROPRIATIONS

SEC. 415. * * *

AUTHORIZED FOR EXPENDITURES

SEC. 416. * * *

COOPERATION

SEC. 417. * * *

SEPARABILITY OF PROVISIONS

SEC. 418. * * *

REPEALS

SEC. 419. * * *

EFFECTIVE DATE

SEC. 420. * * *

THE HISTORY OF THE
CITY OF BOSTON

BY
JOHN H. COLEMAN

Union Calendar No. 906

89TH CONGRESS
2^D SESSION

H. R. 15662

[Report No. 2042]

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 1966

Mr. COOLEY introduced the following bill; which was referred to the Committee on Agriculture

SEPTEMBER 14, 1966

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Federal Seed Act (53 Stat. 1275), as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That sections 101 (a) (1), 101 (a) (8) (A) (ii), 101 (a)
4 (9) (A) (ii), and 101 (a) (10) of the Federal Seed Act
5 (53 Stat. 1275, 1277, 1278; 70 Stat. 908, 7 U.S.C. 1561
6 (a) (1), 1561 (a) (8) (A) (ii), 1561 (a) (9) (A) (ii), and
7 1561 (a) (10)) are hereby amended by deleting therefrom
8 the words "Alaska" and "Hawaii" and the commas appear-
9 ing after such words.

10 SEC. 2. Section 101 (a) (7) (A) of said Act (53 Stat.

1 1276; 72 Stat. 476, 7 U.S.C. 1561 (a) (7) (A)) is amended
2 to read as follows:

3 “(A) ‘Agricultural seeds’ shall mean grass, forage, and
4 field crop seeds which the Secretary of Agriculture finds are
5 used for seeding purposes in the United States and which
6 he lists in the rules and regulations prescribed under section
7 402 of this Act.”

8 SEC. 3. Section 101 (a) (11) of said Act (53 Stat.
9 1278; 7 U.S.C. 1561 (a) (11)) is amended by substituting
10 for the words “wheat”, “oats”, “vetch”, and “sweetclover”
11 the words “soybean”, “flax”, “carrot”, and “radish.”

12 SEC. 4. Section 201 (a) of said Act (53 Stat. 1279; 7
13 U.S.C. 1571 (a)) is amended by changing the introductory
14 portion thereof to read as follows:

15 “(a) Any agricultural seeds or any mixture of agricul-
16 tural seeds for seeding purposes, unless each container bears
17 a label giving the following information, except as provided
18 in paragraph (j) of this section of seed mixtures intended
19 for lawn and turf purposes, in accordance with rules and
20 regulations prescribed under section 402 of this Act:”

21 SEC. 5. Section 201 (a) (1) of said Act (53 Stat. 1279;
22 7 U.S.C. 1571 (a) (1)) is amended to read as follows:

23 ~~“(1) The name of the kind or kind and variety for~~
24 ~~each agricultural seed component present in excess of 5~~
25 ~~per centum of the whole and the percentage by weight of~~

1 each: *Provided*, That if any kind of seed is present which
 2 the Secretary of Agriculture has determined, in rules and
 3 regulations prescribed under section 402 of this Act, is
 4 generally labeled as to variety, the label shall bear, in
 5 addition to the name of the kind, either the name of such
 6 variety or the statement 'Variety Not Stated.': *And pro-*
 7 *vided further*, That in the case of hybrid seed it shall, in
 8 addition to the above requirements, be so designated on
 9 the label."

10 " (1) The name of the kind or kind and variety for
 11 each agricultural seed component present in excess of 5 per
 12 centum of the whole and the percentage by weight of each:
 13 *Provided*, That if any such component is one which the
 14 Secretary of Agriculture has determined, in rules and regula-
 15 tions prescribed under section 402 of this Act, is generally
 16 labeled as to variety, the label shall bear, in addition to the
 17 name of the kind, either the name of such variety or the
 18 statement 'Variety Not Stated.' *And provided further*, That
 19 in the case of any such component which is a hybrid seed it
 20 shall, in addition to the above requirements, be designated as
 21 hybrid on the label."

22 SEC. 6. Section 201 (a) of said Act (53 Stat. 1279;
 23 7 U.S.C. 1571 (a)) is amended by adding at the end thereof
 24 a new paragraph (10), to read as follows:

25 " (10) The year and month beyond which an inoculant,

1 if shown in the labeling, is no longer claimed to be
2 effective.”

3 SEC. 7. Section 201 (b) of said Act (53 Stat. 1280,
4 72 Stat. 476; 7 U.S.C. 1571 (B)) is amended to read as
5 follows:

6 “(b) Any vegetable seeds, for seeding purposes, in
7 containers, unless each container bears a label giving the
8 following information in accordance with rules and regula-
9 tions prescribed under section 402 of this Act:

10 “(1) For containers of one pound or less of seed that
11 germinates equal to or above the standard last established
12 by the Secretary of Agriculture, as provided under section
13 403 (c) of this Act—

14 ~~“(A) Name of each kind and variety of seed and~~
15 ~~if two or more kinds or varieties are present, the per-~~
16 ~~centage of each; and~~

17 “(A) *The name of each kind and variety of seed,*
18 *and if two or more kinds or varieties are present, the*
19 *percentage of each, and further, that in the case of any*
20 *such component which is a hybrid seed, it shall be desig-*
21 *nated as hybrid on the label; and*

22 “(B) Name and address of—

23 “(i) The person who transports, or delivers
24 for transportation, said seed in interstate commerce;
25 or

1 “(ii) the person to whom the seed is sold or
2 shipped for resale, together with a code designation
3 approved by the Secretary of Agriculture under
4 rules and regulations prescribed under section 402
5 of this Act, indicating the person who transports
6 or delivers for transportation said seed in interstate
7 commerce;

8 “(2) For containers of one pound or less of seed that
9 germinates less than the standard last established by the
10 Secretary of Agriculture, as provided under section 403 (c)
11 of this Act—

12 ~~“(A) Name of each kind and variety of seed and~~
13 ~~if two or more kinds or varieties are present, the per-~~
14 ~~centage of each;~~

15 “(A) *The name of each kind and variety of seed,*
16 *and if two or more kinds or varieties are present, the*
17 *percentage of each, and further, that in the case of any*
18 *such component which is a hybrid seed, it shall be desig-*
19 *nated as hybrid on the label; and*

20 “(B) For each named kind and variety of seed—

21 “(i) the percentage of germination, exclusive
22 of hard seed;

23 “(ii) the percentage of hard seed, if present;

24 “(iii) the calendar month and year the test
25 was completed to determine such percentages;

1 “(iv) the words ‘Below Standard’; and

2 “(C) Name and address of—

3 “(i) the person who transports, or delivers
4 for transportation, said seed in interstate com-
5 merce; or

6 “(ii) the person to whom the seed is sold or
7 shipped for resale, together with a code designation
8 approved by the Secretary of Agriculture under
9 rules and regulations prescribed under section 402
10 of this Act, indicating the person who transports
11 or delivers for transportation said seed in interstate
12 commerce.

13 “(3) For containers of more than one pound of seed—

14 ~~“(A) Name of each kind and variety of seed and~~
15 ~~if two or more kinds or varieties are present, the per-~~
16 ~~centage of each;~~

17 “(A) *The name of each kind and variety of seed,*
18 *and if two or more kinds or varieties are present, the*
19 *percentage of each and, further, that in the case of any*
20 *such component which is a hybrid seed, it shall be desig-*
21 *nated as hybrid on the label;*

22 “(B) Lot number or other lot identification;

23 “(C) For each named kind and variety of seed—

24 “(i) the percentage of germination, exclusive
25 of hard seed;

1 “(ii) the percentage of hard seed, if present;

2 “(iii) the calendar month and year the test
3 was completed to determine such percentages; and

4 “(D) Name and address of—

5 “(i) the person who transports, or delivers for
6 transportation, said seed in interstate commerce; or

7 “(ii) the person to whom the seed is sold or
8 shipped for resale, together with a code designation
9 approved by the Secretary of Agriculture under
10 rules and regulations prescribed under section 402
11 of this Act, indicating the person who transports or
12 delivers for transportation said seed in interstate
13 commerce.”

14 SEC. 8. Clause (b) of section 201 (c) of said Act (53
15 Stat. 1280; 7 U.S.C. 1571 (c)) is amended to read as
16 follows:

17 “(b) a longer period for any kind of agricultural or
18 vegetable seed which is packaged in such container ma-
19 terials and under such other conditions prescribed by the
20 Secretary of Agriculture as he finds will, during such longer
21 period, maintain the viability of said seed under ordinary
22 conditions of handling.”

23 SEC. 9. Section 201 (i) (4) of said Act (72 Stat. 477;
24 7 U.S.C. 1571 (i) (4)) is amended to read as follows:

25 “(4) A description, approved by the Secretary of

1 Agriculture as adequate for the protection of the public,
2 of any process used in such treatment.”

3 SEC. 10. Section 201 of said Act (53 Stat. 1279; 7
4 U.S.C. 1571) is amended by adding at the end thereof
5 a new subsection (j) to read as follows:

6 “(j) Any agricultural seed mixtures intended for lawn
7 and turf seed purposes, in containers of fifty pounds or less,
8 unless each container thereof bears a label giving the follow-
9 ing information and statements in accordance with rules
10 and regulations prescribed under section 402 of this Act:

11 “(1) The headings ‘Fine-textured Grasses’ and ‘Coarse
12 Kinds’, and specified in tabular form thereunder in type no
13 larger than the headings, for each lawn and turf seed com-
14 ponent present in excess of 5 per centum of the whole or
15 named on the label:

16 “(i) the name of the kind, or kind and variety,

17 “(ii) the percentage by weight of each, in order of
18 its predominance under the appropriate heading re-
19 quired above,

20 “(iii) the percentage of germination of each, ex-
21 clusive of hard seed,

22 “(iv) the percentage of hard seed, if present, and

23 “(v) the calendar month and year the test was
24 completed to determine such percentages.

25 “(2) The heading ‘Other Ingredients’, and specified

1 thereunder in type no larger than the heading the following
2 information:

3 “(A) Percentage by weight of weed seeds, includ-
4 ing noxious weed seeds;

5 “(B) Percentage by weight of agricultural seeds
6 other than those included under paragraph (1) of this
7 subsection;

8 “(C) Percentage by weight of inert matter.

9 “(3) The following additional information:

10 “(A) Lot number or other identification;

11 “(B) Kinds of noxious-weed seeds and the rate of
12 occurrence of each, which rate shall be expressed in
13 accordance with and shall not exceed the rate allowed
14 for shipment, movement, or sale of such noxious-weed
15 seeds by the law and regulations of the State into which
16 the seed is offered for transportation or transported,
17 or in accordance with the rules and regulations of the
18 Secretary of Agriculture, when under the provisions of
19 section 101 (a) (9) (A) (iii) he shall determine that
20 weeds other than those designated by State requirements
21 are noxious;

22 “(C) Name and address of—

23 “(i) the person who transports, or delivers for
24 transportation, said seed in interstate commerce, or

1 “(ii) the person to whom the seed is sold or
2 shipped for resale, together with a code designation
3 approved by the Secretary of Agriculture under
4 rules and regulations prescribed under section 402
5 of this Act, indicating the person who transports
6 or delivers for transportation said seed in interstate
7 commerce.”

8 SEC. 11. Section 202 of said Act (53 Stat. 1281, 72
9 Stat. 477; 7 U.S.C. 1572) is amended by inserting the
10 word “treatment” followed by a comma immediately pre-
11 ceding the word “germination” wherever said word appears
12 in said section.

13 SEC. 12. Section 203 (d) of said Act (53 Stat. 1282;
14 7 U.S.C. 1573 (d)) is amended to read as follows:

15 “(d) The provisions of sections 201 (a) and (b)
16 relative to the labeling of agricultural and vegetable seeds
17 with the percentages of the kind or kind and variety of
18 seeds shall not be deemed violated if there are seeds in
19 the container or bulk which could not be, or were not,
20 identified because of their indistinguishability in appearance
21 from the seeds intended to be transported or delivered for
22 transportation in interstate commerce: *Provided*, That the
23 records of the person charged with the duty under said
24 section of labeling or invoicing the seeds, kept in accord-
25 ance with the rules and regulations of the Secretary of

1 Agriculture, together with other pertinent facts, disclose
2 that said person has taken reasonable precautions to insure
3 the identity of the seeds to be that stated.

4 “(b) Section 203 of said Act is amended by adding
5 at the end thereof a new subsection (e) reading as follows:

6 “(e) ~~The provisions of section 201(i) relative to the~~
7 ~~labeling of agricultural and vegetable seeds with the name~~
8 ~~of the substance used in the treatment of seeds shall not~~
9 ~~be deemed violated by any person, other than the person~~
10 ~~treating the seed or causing the seed to be treated if such~~
11 ~~person relies upon representations by the seller of the seed~~
12 ~~concerning such treatment and if the substance or substances~~
13 ~~used in such treatment could not be, or were not identified~~
14 ~~by such person: *Provided*, That the records of the person~~
15 ~~charged with the duty under said section of labeling or~~
16 ~~invoicing the seed, kept in accordance with the rules and~~
17 ~~regulations of the Secretary of Agriculture, together with~~
18 ~~other pertinent facts, disclose that said person has taken~~
19 ~~reasonable precautions to insure the identity of the substance~~
20 ~~to be that stated.”~~

21 “(e) *The provisions of section 201(i) relative to the*
22 *labeling of agricultural and vegetable seeds with the name of*
23 *any substance used in the treatment of seeds shall not be*
24 *deemed violated if the substance or substances used in such*
25 *treatment could not be or were not identified because of their*

1 *indistinguishability from the substance or substances intended*
 2 *to be used in the treatment of the seeds: Provided, That the*
 3 *records of the person charged with the duty under said sec-*
 4 *tion of labeling or invoicing the seeds, kept in accordance*
 5 *with the rules and regulations of the Secretary of Agricul-*
 6 *ture, together with other pertinent facts, disclosed that said*
 7 *person has taken reasonable precautions to insure the identity*
 8 *of the substance or substances to be as stated.' "*

9 SEC. 13. Section 301 (a) (4) of said Act (72 Stat.
 10 478; 7 U.S.C. 1581 (a) (4)) is amended to read as follows:

11 ~~"(4) Any seed containing 10 per centum or more of~~
 12 ~~any agricultural or vegetable seeds unless the invoice per-~~
 13 ~~taining to such seed and any other labeling of such seed bear~~
 14 ~~a lot identification and the name of each kind and variety~~
 15 ~~of vegetable seed present or kind or kind and variety of~~
 16 ~~agricultural seed present in excess of 5 per centum of the~~
 17 ~~whole and unless in the case of hybrid seed it is so desig-~~
 18 ~~nated:."~~

19 *"(4) Any seed containing 10 per centum or more of*
 20 *any agricultural or vegetable seeds, unless the invoice per-*
 21 *taining to such seed and any other labeling of such seed bear*
 22 *a lot identification and the name of each kind and variety of*
 23 *vegetable seed present in any amount and each kind or kind*
 24 *and variety of agricultural seed present in excess of 5 per*
 25 *centum of the whole, and unless in the case of hybrid seed*

1 *present in excess of 5 per centum of the whole it is designated*
2 *as hybrid.*”

3 SEC. 14. Section 301 (a) of said Act (53 Stat. 1282;
4 7 U.S.C. 1581 (a)) is further amended by adding at the
5 end thereof a new paragraph (5) to read as follows:

6 “(5) Any agricultural seeds or any mixture thereof,
7 or any vegetable seeds or any mixture thereof, for seeding
8 purposes, that have been treated, unless each container
9 thereof bears a label giving the following information and
10 statements in accordance with rules and regulations pre-
11 scribed under section 402 of this Act:

12 “(A) A word or statement indicating that the
13 seeds have been treated;

14 “(B) The commonly accepted coined, chemical
15 (generic), or abbreviated chemical name of any sub-
16 stance used in such treatment;

17 “(C) If the substance used in such treatment in
18 the amount remaining with the seeds is harmful to
19 humans or other vertebrate animals, an appropriate
20 caution statement approved by the Secretary of Agri-
21 culture as adequate for the protection of the public,
22 such as ‘Do not use for food or feed or oil purposes’:
23 *Provided*, That the caution statement for mercurials and
24 similarly toxic substances, as defined in said rules and
25 regulations, shall be a representation of a skull and cross-

1 bones and a statement such as 'This seed has been treated
2 with POISON', in red letters on a background of dis-
3 tinctly contrasting color; and

4 " (D) A description, approved by the Secretary of
5 Agriculture as adequate for the protection of the public,
6 of any process used in such treatment."

7 SEC. 15. Section 302 (a) of said Act (53 Stat. 1283,
8 72 Stat. 478; 7 U.S.C. 1582 (a)) is amended by inserting
9 after the first sentence thereof the following sentence:

10 "The Secretary of Agriculture may apply statistical
11 sampling and inspection techniques to said samples and
12 screenings to determine whether the pure-live seed require-
13 ment of any kind of seed is being met, in which case, he shall
14 advise the importer of each lot of seed not examined for
15 pure-live seed percentage."

16 SEC. 16. Section 302 (d) of the Act (72 Stat. 479;
17 7 U.S.C. 1582 (d)) is amended by adding at the end
18 thereof a new paragraph (3) reading as follows:

19 " (3) when seed not meeting the pure-live seed
20 requirements of section 304 of this title will not be sold
21 within the United States and will be used for seed
22 production only by or for the importer or consignee:
23 *Provided*, That the importer of record or consignee
24 files a statement in accordance with the rules and regu-
25 lations prescribed under section 402 of this Act certify-

1 ing that such seed will be used only for seed production
2 by or for the importer or consignee.”

3 SEC. 17. Section 302 of said Act (53 Stat. 1283, 72
4 Stat. 479, 7 U.S.C. 1582) is further amended by adding
5 at the end thereof a new paragraph (e) reading as follows:
6 “(e) The provisions of this title requiring certain seeds
7 to be stained shall not apply when such seed will not be
8 sold within the United States and will be used for seed pro-
9 duction only by or for the importer or consignee: *Provided*,
10 That the importer of record or consignee files a statement in
11 accordance with the rules and regulations prescribed under
12 section 402 of this Act certifying that such seed will be used
13 only for seed production by or for the importer or consignee.”

14 SEC. 18. Section 304 of said Act (53 Stat. 1284, 7
15 U.S.C. 1584) is amended to read as follows:

16 “SEC. 304. Seed subject to the provisions of section 301
17 is unfit for seeding purposes: (a) if any such seed contains
18 noxious-weed seeds, or (b) if any such seed contains more
19 than 2 per centum by weight of weed seeds, or (c) if any
20 such seed contains less than 75 per centum of pure-live seed,
21 or if any component of such seed present to the extent of 10
22 per centum or more contains less than 75 per centum of
23 pure-live seed: *Provided*, That when the Secretary of Agri-
24 culture shall find that any such seed or any kind of seed
25 present to the extent of 10 per centum or more cannot be

1 produced to contain 75 per centum of pure-live seed, he
2 may set up such standards from time for pure-live seed as
3 he finds can be produced and seed conforming to such
4 standards shall not be deemed to be unfit for seeding
5 purposes.”

6 *SEC. 19. Section 101(a)(4) of said Act (53, Stat. 1275,*
7 *7 U.S.C. 1561(a)(4)) is amended by inserting the word*
8 *“treatment,” before the word “variety”.*

89TH CONGRESS
2D Session

H. R. 15662

[Report No. 2042]

A BILL

To amend the Federal Seed Act (53 Stat. 1275),
as amended.

By Mr. COOLEY

JUNE 14, 1966

Referred to the Committee on Agriculture

SEPTEMBER 14, 1966

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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DIGEST of Congressional Proceedings

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HOUSE

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2. RESEARCH. Passed without amendment S. 3421, to authorize the Secretary of Agriculture to convey the Alaska Experiment Station to Alaska. This bill will now be sent to the President. p. 21955
3. SEEDS. Passed under suspension of the rules H. R. 15662, to revise and update the Federal Seed Act. pp. 22032-4
4. FOREIGN AID APPROPRIATION BILL. The Appropriations Committee reported this bill, H. R. 17788 (H. Rept. 2045). p. 22078

5. LOANS. The Agriculture Committee reported H. R. 13669, to authorize rural-renewal loans for recreation and to non-profit corporations (H. Rept. 2046). p. 22078
6. WATER. Passed as reported S. 2287, to authorize a 5-year hydrologic study and investigation of the Delmarva Peninsula. pp. 21952-3
Rejected (161-154, a 2/3 majority being needed) a motion to suspend the rules and pass S. J. Res. 167, to enable the U. S. to organize and hold an International Conference on Water for Peace in the U. S. in 1967. pp. 22013-17
7. TRAINING. Passed on suspension of the rules H. R. 16715, to broaden and increase the flexibility under the Manpower Development and Training Act. pp. 22000-13
8. FISH AND WILDLIFE. Conferees were appointed on H. R. 9424, to provide for conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction, and to consolidate Interior's authorities for administration of the National Wildlife Refuge System. Senate conferees have not been appointed. p. 22022
9. POLITICAL ACTIVITY. Passed under suspension of the rules S. 1474, to create a bipartisan commission to study Federal laws limiting political activity by Government personnel. pp. 22025-7
10. HISTORIC SITES. Rejected (41-31, a 2/3 majority being needed) a motion to suspend the rules and pass S. 3035, to establish a program for preservation of additional historic properties throughout the Nation. pp. 22027-31
11. INTEREST RATES. Rep. Patman deplored the effect of increases on housing and education. pp. 22034-8
12. FOREIGN TRADE. Rep. Curtis objected to the position of the European Economic Community in trade negotiations regarding farm products and inserted the views of the American Farm Bureau Federation and a Belgian industrialist. pp. 22046-7
13. FARM PROGRAM; APPROPRIATIONS. Rep. Ashbrook accused this Department of wasting money and inserted an article on the subject. p. 22047
14. TENNESSEE VALLEY AUTHORITY. Rep. Ottinger said the proposed Tellico Dam project is not needed. pp. 22057-8
15. BUILDINGS. Received from the General Services Administration a proposed bill "to amend the Public Buildings Act of 1950, as amended." To Public Works Committee. p. 22078
16. PASSED OVER H. R. 4497, to require certain contractors with the U. S. to give an affidavit on payment of subcontractors; H. R. 12360, to permit the sale of grain storage facilities to nonprofit agencies; H. R. 4429, to reimburse Wyo. for certain improvements on Eden project lands; and H. R. 9147, to reduce the frequency of meetings of the national research advisory committee. p. 21955
17. LEGISLATIVE PROGRAM. Today the House is expected to consider the Private Calendar and the foreign aid appropriation bill. p. D890

buildings, as to whether or not they would be national historic shrines?

MR. HOSMER. No, this did not apply to things like that, to my knowledge. I could be wrong.

MR. HALL. It is my understanding, from reading the report, on page 7, that the committee amendment under section 107 made inapplicable the inclusion of the White House, the Supreme Court Building, and the U.S. Capitol.

MR. HOSMER. Well, there was some question about whether the language of the bill, as proposed, would include that, but I do not believe it was a recommendation from the administration that the bill be written in such terms as that.

MR. HALL. Certainly it is to the committee's credit that they at least made it inapplicable to the three main buildings of the tripartite branches of government, on which tens of thousands of dollars are now being spent by their private associations.

THE SPEAKER. The question is on the motion of the gentleman from New York that the House suspend the rules and pass the bill S. 3035, as amended.

The question was taken; and on a division (demanded by Mr. HOSMER) there were—ayes 41, noes 31.

So (two-thirds not having voted in favor thereof) the motion was rejected.

BIGHORN CANYON NATIONAL RECREATION AREA, MONT., AND WYO.

MR. O'BRIEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2778) to provide for the establishment of the Bighorn Canyon National Recreation Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir and lands adjacent thereto in the States of Wyoming and Montana by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, there is hereby established the Bighorn Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled "Proposed Bighorn Canyon National Recreation Area", LNPWW-010A-BC, November 1964, which is on file in the Office of the National Park Service, Department of the Interior.

(b) As soon as practicable after approval of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description of the boundaries of the area which shall encompass, to the extent practicable, the lands and waters shown on the drawing referred to in subsection (a) of this section. The Secretary may subsequently make adjustments in the boundary of the area, subject to the provisions of subsection 2(b) of this Act, by publication of an amended description in the Federal Register.

SEC. 2. (a) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise, lands and interests in lands within the boundaries of the area. The Secretary is

further authorized to acquire, by any of the above methods, not to exceed ten acres of land or interests therein outside of the boundaries of the area in the vicinity of Lovell, Wyoming, for development and use, pursuant to such special regulations as he may promulgate, as a visitor contact station and administrative site. In the exercise of his exchange authority the Secretary may accept title to any non-Federal property within the area and convey in exchange therefor any federally owned property under his jurisdiction in the States of Montana and Wyoming which he classifies as suitable for exchange or other disposal, not withstanding any other provision of law. Property so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Any property or interest therein owned by the State of Montana or the State of Wyoming or any political subdivision thereof within the recreation area may be acquired only by donation.

(b) No part of the tribal mountain lands or any other lands of the Crow Indian Tribe of Montana shall be included within the recreation area unless requested by the council of the tribe. The Indian lands so included may be developed and administered in accordance with the laws and rules applicable to the recreation area, subject to any limitation specified by the tribal council and approved by the Secretary.

(c) (1) Notwithstanding any other provisions of this Act or of any other law, the Crow Indian Tribe shall be permitted to develop and operate water-based recreational facilities, including landing ramps, boat-houses, and fishing facilities, along that part of the shoreline of Yellowtail Reservoir which is adjacent to lands comprising the Crow Indian Reservation. Any such part so developed shall be administered in accordance with the laws and rules applicable to the recreation area, subject to any limitations specified by the tribal council and approved by the Secretary. Any revenues resulting from the operation of such facilities may be retained by the Crow Indian Tribe.

(2) As used in this subsection, the term "shoreline" means that land which borders both Yellowtail Reservoir and the exterior boundary of the Crow Indian Reservation, together with that part of the reservoir necessary to the development of the facilities referred to in this subsection.

SEC. 3. (a) The Secretary shall coordinate administration of the recreation area with the other purposes of the Yellowtail Reservoir project so that it will in his judgment best provide (1) for public outdoor recreation benefits, (2) for conservation of scenic, scientific, historic, and other values contributing to public enjoyment, and (3) for management, utilization, and disposal of renewable natural resources in a manner that promotes, or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

(b) In the administration of the area for the purposes of this Act, the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

SEC. 4. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the recreation area in accordance with the appropriate laws of the United States and of the States of Montana

or Wyoming to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment, and except that nothing in this section shall impair the rights under other law of the Crow Tribe and its members to hunt and fish on lands of the Crow Tribe that are included in the recreation area, or the rights of the members of the Crow Tribe to hunt and fish under section 2(d) of the Act of July 15, 1958. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Montana Fish and Game Department or the Wyoming Game and Fish Commission.

SEC. 5. There is hereby authorized to be appropriated not more than \$355,000 for the acquisition of land and interests in land pursuant to this Act.

THE SPEAKER. Is a second demanded?

MR. HOSMER. Mr. Speaker, I demand a second.

THE SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

MR. O'BRIEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana [Mr. BATTIN].

(Mr. BATTIN asked and was given permission to revise and extend his remarks.)

MR. BATTIN. Mr. Speaker, the bill before us is a bill to create the Bighorn Canyon National Recreation Area, which includes the property around the Yellowtail Reservoir in Montana. The Yellowtail Dam was constructed, and at the present time is backing water up some 71 miles through Montana and the State of Wyoming.

The bill calls for an authorization of \$355,000 to acquire some additional land. Most of the property presently is owned by the Federal Government and the State of Montana, with a few inholdings. The inholdings are basically grazing land. The money in the bill would be to acquire those.

I know of no real objection to the bill.

MR. RIVERS of Alaska. Mr. Speaker, will the gentleman yield?

MR. BATTIN. I yield to the gentleman.

MR. RIVERS of Alaska. As chairman of the subcommittee, I want to say that I am in favor of this bill. I think it is a good project. The gentleman from Montana succeeded in having all of us on this side acquiesce in having it added to the schedule of bills for consideration this afternoon. The hour is late, but nevertheless we have reached the gentleman's project. I am with him on this project, and as far as I know the full committee that passed this bill out is also in favor of this project.

MR. OLSEN of Montana. Mr. Speaker, will the gentleman yield to me?

MR. BATTIN. I yield to the gentleman.

MR. OLSEN of Montana. I thank my colleague from Montana for yielding. I wish to join him wholeheartedly in recommending the project and congratulate him on his sponsorship. I also congratulate the chairman of the Committee on Interior and Insular Affairs for bringing

this splendid project here. This is not only a splendid project for the benefit of the States of Wyoming and Montana but is an excellent project to assist in promoting the Indian population to achieve a modern economy in southeastern Montana.

Mr. HOSMER. Mr. Speaker, I rise in favor of the bill before us.

(Mr. HOSMER asked and was given permission to revise and extend his remarks.)

Mr. HOSMER. Mr. Speaker, I rise in support of H.R. 2778, the bill to provide for the establishment of the Bighorn Canyon National Recreation Area in the States of Montana and Wyoming.

The proposed Bighorn Canyon National Recreation Area will surround and run upstream from Yellowtail Dam now under construction. The recreation area will include approximately 63,300 acres of land and water. This area may be enlarged by the voluntary inclusion of portions of the Crow Indian Reservation by the Crow Tribe.

The location of this proposed national recreation area in the heart of rugged and deeply incised mountain country will afford fine opportunities for those seeking hiking and horseback activities. Further recreational opportunities such as fishing, boating and other water based recreation will be afforded by the Yellowtail Dam and Reservoir. Additional recreational features of the area will include camping and hiking. The area is also one of great geological significance.

It is estimated that the proposed national recreation area will have 550,000-visitor days by 1970.

Mr. Speaker, I urge that the rules be suspended and the bill H.R. 2778 be passed.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. O'BRIEN] that the House suspend the rules and pass the bill H.R. 2778.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill—S. 491—to provide for the establishment of the Bighorn Canyon National Recreation Area, and for other purposes, a similar Senate bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

S. 491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir and lands adjacent thereto in the States of Wyoming and Montana by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, there is hereby established the Big-

horn Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled "Proposed Bighorn Canyon National Recreation Area", LNPWM-010A-BC, November 1964, which is on file in the Office of the National Park Service, Department of the Interior.

(b) As soon as practicable after approval of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description of the boundaries of the area which shall encompass, to the extent practicable, the lands and waters shown on the drawing referred to in subsection (a) of this section. The Secretary may subsequently make adjustments in the boundary of the area, subject to the provisions of subsection 2(b) of this Act, by publication of an amended description in the Federal Register.

SEC. 2. (a) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise, lands and interests in lands within the boundaries of the area. The Secretary is authorized to acquire, by any of the above methods, not to exceed ten acres of land or interests therein outside of the boundaries of the area in the vicinity of Lovell, Wyoming, for development and use, pursuant to such special regulations as he may promulgate, as a visitor contact station and administrative site. In the exercise of his exchange authority the Secretary may accept title to any non-Federal property within the area and convey in exchange therefor any federally owned property under his jurisdiction, which he classifies as suitable for exchange or other disposal, notwithstanding any other provision of law. Property so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Any property or interest therein owned by the State of Montana or the State of Wyoming or any political subdivision thereof within the recreation area may be acquired only with the concurrence of the owner.

(b) No part of the tribal mountain lands or any other lands of the Crow Indian Tribe of Montana shall be included within the recreation area unless requested by the council of the tribe. The Indian lands so included may be developed and administered in accordance with the laws and rules applicable to the recreation area, subject to any limitations specified by the tribal council and approved by the Secretary.

(c) (1) Notwithstanding any other provisions of this Act or of any other law, the Crow Indian Tribe shall be permitted to develop and operate water-based recreational facilities, including landing ramps, boat-houses, and fishing facilities, along that part of the shoreline of Yellowtail Reservoir which is adjacent to lands comprising the Crow Indian Reservation. Any such part so developed shall be administered in accordance with the laws and rules applicable to the recreation area, subject to any limitations specified by the tribal council and approved by the Secretary. Any revenues resulting from the operation of such facilities may be retained by the Crow Indian Tribe.

(2) As used in this subsection, the term "shoreline" means that land which borders both Yellowtail Reservoir and the exterior boundary of the Crow Indian Reservation, together with that part of the reservoir necessary to the development of the facilities referred to in this subsection.

SEC. 3. (a) The Secretary shall coordinate administration of the recreation area with the other purposes of the Yellowtail Reservoir project so that it will in his judgment best provide (1) for public outdoor recreation benefits, (2) for conservation of scenic, scientific, historic, and other values contributing to public enjoyment, and (3) for manage-

ment, utilization, and disposal of renewable natural resources in a manner that promotes, or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

(b) In the administration of the area for the purposes of this Act, the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

SEC. 4. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the recreation area in accordance with the appropriate laws of the States of Montana or Wyoming to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment, and except that nothing in this section shall impair the rights under other law of the Crow Tribe and its members to hunt and fish on lands of the Crow Tribe that are included in the recreation area, or the rights of the members of the Crow Tribe to hunt and fish under section 2(d) of the Act of July 15, 1953. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Montana Fish and Game Department or the Wyoming Game and Fish Commission.

SEC. 5. There is hereby authorized to be appropriated not more than \$355,000 for the acquisition of land and interests in land pursuant to this Act.

AMENDMENT OFFERED BY MR. O'BRIEN

Mr. O'BRIEN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'BRIEN: Strike out all after the enacting clause of S. 491 and insert the provisions of H.R. 2778 as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks on H.R. 2778.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

UPDATE THE FEDERAL SEED ACT

Mr. JONES of Missouri. Mr. Speaker, I move to suspend the rules and pass the bill—H.R. 15662—to amend the Federal Seed Act (53 Stat. 1275), as amended.

The Clerk read as follows:

H.R. 15662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 101(a)(1), 101a(8)(A)(ii), 101(a)(9)(A)(ii), and 101(a)(10) of the Federal Seed Act 53 Stat. 1275, 1277, 1278; 70 Stat. 908, 7 U.S.C. 1561(a)(1), 1561(a)(8)(ii), 1561(a)(9)(A)(ii), and 1561(a)(10) are hereby amended by deleting therefrom the words

"Alaska" and "Hawaii" and the commas appearing after such words.

SEC. 2. Section 101a(7)(A) of said Act (53 Stat. 1276; 72 Stat. 476, 7 U.S.C. 1561(a)(7)(A)) is amended to read as follows: "(A) 'Agricultural seeds' shall mean grass, forage, and field crop seeds which the Secretary of Agriculture finds are used for seeding purposes in the United States and which he lists in the rules and regulations prescribed under section 402 of this Act."

SEC. 3. Section 101(a)(11) of said Act (53 Stat. 1278; 7 U.S.C. 1561(a)(11)) is amended by substituting for the words "wheat", "oats", "vetch", and "sweetclover" the words "soybean", "flax", "carrot", and "radish."

SEC. 4. Section 201(a) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)) is amended by changing the introductory portion thereof to read as follows:

"(a) Any agricultural seeds or any mixture of agricultural seeds for seeding purposes, unless each container bears a label giving the following information, except as provided in paragraph (j) of this section of seed mixtures intended for lawn and turf purposes, in accordance with rules and regulations prescribed under section 402 of this Act:"

SEC. 5. Section 201(a)(1) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)(1)) is amended to read as follows:

"(1) The name of the kind or kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: *Provided*, That if any such component is one which the Secretary of Agriculture has determined, in rules and regulations prescribed under section 402 of this Act, is generally labeled as to variety, the label shall bear, in addition to the name of the kind, either the name of such variety or the statement 'Variety Not Stated.' *And provided further*, That in the case of any such component which is a hybrid seed it shall, in addition to the above requirements, be designated as hybrid on the label."

SEC. 6. Section 201(a) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)) is amended by adding at the end thereof a new paragraph (10), to read as follows:

"(10) The year and month beyond which an inoculant; if shown in the labeling, is no longer claimed to be effective."

SEC. 7. Section 201(b) of said Act (53 Stat. 1280, 72 Stat. 476; 7 U.S.C. 1571(B)) is amended to read as follows:

"(b) Any vegetable seeds, for seeding purposes, in containers, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of this Act:

"(1) For containers of one pound or less of seed that germinates equal to or above the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

"(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

"(B) Name and address of—

"(i) The person who transports, or delivers for transportation, said seed in interstate commerce; or

"(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce;

"(2) For containers of one pound or less of seed that germinates less than the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

"(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

"(B) For each named kind and variety of seed—

"(i) the percentage of germination, exclusive of hard seed;

"(ii) the percentage of hard seed, if present;

"(iii) the calendar month and year the test was completed to determine such percentages;

"(iv) the words 'Below Standard'; and

"(C) Name and address of—

"(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

"(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.

"(3) For containers of more than one pound of seed—

"(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each and, further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label;

"(B) Lot number or other lot identification;

"(C) For each named kind and variety of seed—

"(i) the percentage of germination, exclusive of hard seed;

"(ii) the percentage of hard seed, if present;

"(iii) the calendar month and year the test was completed to determine such percentages; and

"(D) Name and address of—

"(i) the persons who transports, or delivers for transportation, said seed in interstate commerce; or

"(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce."

SEC. 8. Clause (b) of section 201(c) of said Act (53 Stat. 1280; 7 U.S.C. 1571(c)) is amended to read as follows:

"(b) a longer period for any kind of agricultural or vegetable seed which is packaged in such container materials and under such other conditions prescribed by the Secretary of Agriculture as he finds will, during such longer period, maintain the viability of said seed under ordinary conditions of handling."

SEC. 9. Section 201(i)(4) of said Act (72 Stat. 477; 7 U.S.C. 1571(i)(4)) is amended to read as follows:

"(4) A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment."

SEC. 10. Section 201 of said Act (53 Stat. 1279; 7 U.S.C. 1571) is amended by adding at the end thereof a new subsection (j) to read as follows:

"(j) Any agricultural seed mixtures intended for lawn and turf seed purposes, in containers of fifty pounds or less, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

"(1) The headings 'Fine-textured Grasses' and 'Coarse Kinds', and specified in tabular form thereunder in type no larger than the headings, for each lawn and turf seed com-

ponent present in excess of 5 per centum of the whole or named on the label:

"(i) the name of the kind, or kind and variety,

"(ii) the percentage by weight of each, in order of its predominance under the appropriate heading required above,

"(iii) the percentage of germination of each, exclusive of hard seed,

"(iv) the percentage of hard seed, if present, and

"(v) the calendar month and year the test was completed to determine such percentages.

"(2) The heading 'Other Ingredients', and specified thereunder in type no larger than the heading the following information:

"(A) Percentage by weight of weed seeds, including noxious weed seeds;

"(B) Percentage by weight of agricultural seeds other than those included under paragraph (1) of this subsection;

"(C) Percentage by weight of inert matter.

"(3) The following additional information:

"(A) Lot number or other identification;

"(B) Kinds of noxious-weed seeds and the rate of occurrence of each, which rate shall be expressed in accordance with and shall not exceed the rate allowed for shipment, movement, or sale of such noxious-weed seeds by the law and regulations of the State into which the seed is offered for transportation or transported, or in accordance with the rules and regulations of the Secretary of Agriculture, when under the provisions of section 101(a)(9)(A)(iii) he shall determine that weeds other than those designated by State requirements are noxious;

"(C) Name and address of—

"(i) the person who transports, or delivers for transportation, said seed in interstate commerce, or

"(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce."

SEC. 11. Section 202 of said Act (53 Stat. 1281, 72 Stat. 477; 7 U.S.C. 1572) is amended by inserting the word "treatment" followed by a comma immediately preceding the word "germination" wherever said word appears in said section.

SEC. 12. Section 203(d) of said Act (53 Stat. 1282; 7 U.S.C. 1573(d)) is amended to read as follows:

"(d) The provisions of sections 201 (a) and (b) relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or kind and variety of seeds shall not be deemed violated if there are seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the seeds to be that stated.

"(b) Section 203 of said Act is amended by adding at the end thereof a new subsection (e) reading as follows:

"(e) The provisions of section 201(1) relative to the labeling of agricultural and vegetable seeds with the name of any substance used in the treatment of seeds shall not be deemed violated if the substance or substances used in such treatment could not be or were not identified because of their indistinguishability from the substance or

substances intended to be used in the treatment of the seeds: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclosed that said person has taken reasonable precautions to insure the identity of the substance or substances to be as stated."

SEC. 13. Section 301(a)(4) of said Act (72 Stat. 478; 7 U.S.C. 1581(a)(4)) is amended to read as follows:

"(4) Any seed containing 10 per centum or more of any agricultural or vegetable seeds, unless the invoice pertaining to such seed and any other labeling of such seed bear a lot identification and the name of each kind and variety of vegetable seed present in any amount and each kind or kind and variety of agricultural seed present in excess of 5 per centum of the whole, and unless in the case of hybrid seed present in excess of 5 per centum of the whole it is designated as hybrid."

SEC. 14. Section 301(a) of said Act (53 Stat. 1282; 7 U.S.C. 1581(a)) is further amended by adding at the end thereof a new paragraph (5) to read as follows:

"(5) Any agricultural seeds or any mixture thereof, or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

"(A) A word or statement indicating that the seeds have been treated;

"(B) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

"(C) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as 'Do not use for food or feed or oil purposes': *Provided*, That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as 'This seed has been treated with poison', in red letters on a background of distinctly contrasting color; and

"(D) A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment."

SEC. 15. Section 302(a) of said Act (53 Stat. 1283, 72 Stat. 478; 7 U.S.C. 1582(a)) is amended by inserting after the first sentence thereof the following sentence:

"The Secretary of Agriculture may apply statistical sampling and inspection techniques to said samples and screenings to determine whether the pure-live seed requirement of any kind of seed is being met, in which case, he shall advise the importer of each lot of seed not examined for pure-live seed percentage."

SEC. 16. Section 302(d) of the Act (72 Stat. 479; 7 U.S.C. 1582(d)) is amended by adding at the end thereof a new paragraph (3) reading as follows:

"(3) when seed not meeting the pure-live seed requirements of section 304 of this title will not be sold within the United States and will be used for seed production only by or for the importer or consignee: *Provided*, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee."

SEC. 17. Section 302 of said Act (53 Stat. 1283, 72 Stat. 479, 7 U.S.C. 1582) is further

amended by adding at the end thereof a new paragraph (e) reading as follows:

"(e) The provisions of this title requiring certain seeds to be stained shall not apply when such seed will not be sold within the United States and will be used for seed production only by or for the importer or consignee: *Provided*, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee."

SEC. 18. Section 304 of said Act (53 Stat. 1284, 7 U.S.C. 1584) is amended to read as follows:

"SEC. 304. Seed subject to the provisions of section 301 is unfit for seeding purposes: (a) if any such seed contains noxious-weed seeds, or (b) if any such seed contains more than 2 per centum by weight of weed seeds, or (c) if any such seed contains less than 75 per centum of pure-live seed, or if any component of such seed present to the extent of 10 per centum or more contains less than 75 per centum of pure-live seed: *Provided*, That when the Secretary of Agriculture shall find that any such seed or any kind of seed present to the extent of 10 per centum or more cannot be produced to contain 75 per centum of pure-live seed, he may set up such standards from time for pure-live seed as he finds can be produced and seed conforming to such standards shall not be deemed to be unfit for seeding purposes."

SEC. 19. Section 101(a)(4) of said Act (53 Stat. 1275, 7 U.S.C. 1561(a)(4)) is amended by inserting the word "treatment," before the word "variety".

The SPEAKER. Is a second demanded?

There was no response.

The SPEAKER. The question is on the motion of the gentleman from Missouri that the House suspend the rules and pass the bill H.R. 15662.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRESIDENT'S PROPOSAL TO SUSPEND TEMPORARILY 7-PERCENT INVESTMENT CREDIT AND ACCELERATED DEPRECIATION ON NEW CONSTRUCTION

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Colorado. Mr. Speaker, I endorse the President's proposal to suspend temporarily the 7 percent investment credit and accelerated depreciation on new construction. These are special incentives in the tax law, intended to stimulate investment. They are bonuses, if you will, for investment made in times of a sluggish economy. Today, however, the economy is overstimulated in these areas, leading to spiraling interest rates and a tightness of credit at any price. The results have been the imbalances and risks of inflation the President outlined in his message, and which all of us have seen growing in recent weeks.

The proposal to suspend these tax bonuses is equitable. It reaches only to new orders for equipment and new starts or purchases of buildings. Those who

have already acted in reliance on the existence of these incentives will be protected. And even on such new investment as will be made, recovery of amounts invested through normal depreciation will of course continue.

This is a temporary measure. These incentives must be retained in the tax law, to be available in years ahead when, as the President said, changes in the economy will again make them needed to promote growth in business investment. Meanwhile, let us enact the brief suspension the President has recommended without confusing or inequitable exceptions, exclusions or other quibbles.

I do not suggest, of course, nor did the President, that the difficulties of the economy will be blown away with enactment of these changes in the tax law. They can be effective only as part of an overall program of restraint and balance, which will also include: First. Reductions in nonessential Federal spending, to be achieved by caution in appropriations and in the Executive's administration of programs. Second. Voluntary and legislative actions to hold interest rates down, and to distribute the supply of credit fairly throughout the economy. Third. Care by business and labor, to minimize price and wage increases, to raise productivity and to allocate resources wisely.

The Congress should move promptly, on its part, to take those modest legislative actions included in the President's program. These actions will foster the self-regulating aspects of our free economy in working out of its present difficulties.

HIGHER INTEREST RATES KNOCK OUT 444 HOUSING UNITS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, too often, the true effects of high interest rates are lost in the maze of percentages and decimal points which surround this subject.

However, my colleagues, only a small percentage change can bring tragic effects and tremendous added costs on any project.

I call attention to the recent increase in interest rates on Public Housing Administration bonds. On June 15, 1966, the PHA was able to sell bonds for 3.6448 percent. Last week, the PHA went to the market again with a \$120 million bond issue and this time the interest rate was 3.8732 percent.

This increase may look small in percentages. But its effect is terrific.

This increase which took place over a 3-month period will cost \$8.9 million in additional interest over the life of the bonds. This sum—which now must go for added interest costs—could have provided enough funds for the construction of 444 more public housing units. This is based on an average cost of \$20,000 per housing unit. Now, these 444 units are lost to higher interest rates.

The figure is even more startling when compared to interest rates prevailing only 4 years ago. In 1962, Public Housing



89TH CONGRESS
2D SESSION

H. R. 15662

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 1966

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To amend the Federal Seed Act (53 Stat. 1275), as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That sections 101 (a) (1), 101 (a) (8) (A) (ii), 101 (a)
4 (9) (A) (ii), and 101 (a) (10) of the Federal Seed Act
5 (53 Stat. 1275, 1277, 1278; 70 Stat. 908, 7 U.S.C. 1561
6 (a) (1), 1561 (a) (8) (A) (ii), 1561 (a) (9) (A) (ii), and
7 1561 (a) (10)) are hereby amended by deleting therefrom
8 the words "Alaska" and "Hawaii" and the commas appear-
9 ing after such words.

1 SEC. 2. Section 101 (a) (7) (A) of said Act (53 Stat.
2 1276; 72 Stat. 476, 7 U.S.C. 1561 (a) (7) (A)) is amended
3 to read as follows:

4 “(A) ‘Agricultural seeds’ shall mean grass, forage, and
5 field crop seeds which the Secretary of Agriculture finds are
6 used for seeding purposes in the United States and which
7 he lists in the rules and regulations prescribed under section
8 402 of this Act.”

9 SEC. 3. Section 101 (a) (11) of said Act (53 Stat.
10 1278; 7 U.S.C. 1561 (a) (11)) is amended by substituting
11 for the words “wheat”, “oats”, “vetch”, and “sweetclover”
12 the words “soybean”, “flax”, “carrot”, and “radish.”

13 SEC. 4. Section 201 (a) of said Act (53 Stat. 1279; 7
14 U.S.C. 1571 (a)) is amended by changing the introductory
15 portion thereof to read as follows:

16 “(a) Any agricultural seeds or any mixture of agricul-
17 tural seeds for seeding purposes, unless each container bears
18 a label giving the following information, except as provided
19 in paragraph (j) of this section of seed mixtures intended
20 for lawn and turf purposes, in accordance with rules and
21 regulations prescribed under section 402 of this Act:”

22 SEC. 5. Section 201 (a) (1) of said Act (53 Stat. 1279;
23 7 U.S.C. 1571 (a) (1)) is amended to read as follows:

1 “(1) The name of the kind or kind and variety for
2 each agricultural seed component present in excess of 5 per
3 centum of the whole and the percentage by weight of each:
4 *Provided*, That if any such component is one which the
5 Secretary of Agriculture has determined, in rules and regula-
6 tions prescribed under section 402 of this Act, is generally
7 labeled as to variety, the label shall bear, in addition to the
8 name of the kind, either the name of such variety or the
9 statement ‘Variety Not Stated:’ *And provided further*, That
10 in the case of any such component which is a hybrid seed it
11 shall, in addition to the above requirements, be designated as
12 hybrid on the label.”

13 SEC. 6. Section 201 (a) of said Act (53 Stat. 1279;
14 7 U.S.C. 1571 (a)) is amended by adding at the end thereof
15 a new paragraph (10), to read as follows:

16 “(10) The year and month beyond which an inoculant,
17 if shown in the labeling, is no longer claimed to be
18 effective.”

19 SEC. 7. Section 201 (b) of said Act (53 Stat. 1280,
20 72 Stat. 476; 7 U.S.C. 1571 (B)) is amended to read as
21 follows:

22 “(b) Any vegetable seeds, for seeding purposes, in
23 containers, unless each container bears a label giving the

1 following information in accordance with rules and regula-
2 tions prescribed under section 402 of this Act:

3 “(1) For containers of one pound or less of seed that
4 germinates equal to or above the standard last established
5 by the Secretary of Agriculture, as provided under section
6 403 (c) of this Act—

7 “(A) The name of each kind and variety of seed,
8 and if two or more kinds or varieties are present, the
9 percentage of each, and further, that in the case of any
10 such component which is a hybrid seed, it shall be desig-
11 nated as hybrid on the label; and

12 “(B) Name and address of—

13 “(i) The person who transports, or delivers
14 for transportation, said seed in interstate commerce;
15 or

16 “(ii) the person to whom the seed is sold or
17 shipped for resale, together with a code designation
18 approved by the Secretary of Agriculture under
19 rules and regulations prescribed under section 402
20 of this Act, indicating the person who transports
21 or delivers for transportation said seed in interstate
22 commerce;

23 “(2) For containers of one pound or less of seed that
24 germinates less than the standard last established by the

1 Secretary of Agriculture, as provided under section 403 (c)
2 of this Act—

3 “(A) The name of each kind and variety of seed,
4 and if two or more kinds or varieties are present, the
5 percentage of each, and further, that in the case of any
6 such component which is a hybrid seed, it shall be desig-
7 nated as hybrid on the label; and

8 “(B) For each named kind and variety of seed—

9 “(i) the percentage of germination, exclusive
10 of hard seed;

11 “(ii) the percentage of hard seed, if present;

12 “(iii) the calendar month and year the test
13 was completed to determine such percentages;

14 “(iv) the words ‘Below Standard’; and

15 “(C) Name and address of—

16 “(i) the person who transports, or delivers
17 for transportation, said seed in interstate com-
18 merce; or

19 “(ii) the person to whom the seed is sold or
20 shipped for resale, together with a code designation
21 approved by the Secretary of Agriculture under
22 rules and regulations prescribed under section 402
23 of this Act, indicating the person who transports

1 or delivers for transportation said seed in interstate
2 commerce.

3 “(3) For containers of more than one pound of seed—

4 “(A) The name of each kind and variety of seed,
5 and if two or more kinds or varieties are present, the
6 percentage of each and, further, that in the case of any
7 such component which is a hybrid seed, it shall be desig-
8 nated as hybrid on the label;

9 “(B) Lot number or other lot identification;

10 “(C) For each named kind and variety of seed—

11 “(i) the percentage of germination, exclusive
12 of hard seed;

13 “(ii) the percentage of hard seed, if present;

14 “(iii) the calendar month and year the test
15 was completed to determine such percentages; and

16 “(D) Name and address of—

17 “(i) the person who transports, or delivers for
18 transportation, said seed in interstate commerce; or

19 “(ii) the person to whom the seed is sold or
20 shipped for resale, together with a code designation
21 approved by the Secretary of Agriculture under
22 rules and regulations prescribed under section 402
23 of this Act, indicating the person who transports or
24 delivers for transportation said seed in interstate
25 commerce.”

1 SEC. 8. Clause (b) of section 201 (c) of said Act (53
2 Stat. 1280; 7 U.S.C. 1571 (c)) is amended to read as
3 follows:

4 “(b) a longer period for any kind of agricultural or
5 vegetable seed which is packaged in such container ma-
6 terials and under such other conditions prescribed by the
7 Secretary of Agriculture as he finds will, during such longer
8 period, maintain the viability of said seed under ordinary
9 conditions of handling.”

10 SEC. 9. Section 201 (i) (4) of said Act (72 Stat. 477;
11 7 U.S.C. 1571 (i) (4)) is amended to read as follows:

12 “(4) A description, approved by the Secretary of
13 Agriculture as adequate for the protection of the public,
14 of any process used in such treatment.”

15 SEC. 10. Section 201 of said Act (53 Stat. 1279; 7
16 U.S.C. 1571) is amended by adding at the end thereof
17 a new subsection (j) to read as follows:

18 “(j) Any agricultural seed mixtures intended for lawn
19 and turf seed purposes, in containers of fifty pounds or less,
20 unless each container thereof bears a label giving the follow-
21 ing information and statements in accordance with rules
22 and regulations prescribed under section 402 of this Act:

23 “(1) The headings ‘Fine-textured Grasses’ and ‘Coarse
24 Kinds’, and specified in tabular form thereunder in type no

1 larger than the headings, for each lawn and turf seed com-
2 ponent present in excess of 5 per centum of the whole or
3 named on the label:

4 “(i) the name of the kind, or kind and variety,

5 “(ii) the percentage by weight of each, in order of
6 its predominance under the appropriate heading re-
7 quired above,

8 “(iii) the percentage of germination of each, ex-
9 clusive of hard seed,

10 “(iv) the percentage of hard seed, if present, and

11 “(v) the calendar month and year the test was
12 completed to determine such percentages.

13 “(2) The heading ‘Other Ingredients’, and specified
14 thereunder in type no larger than the heading the following
15 information:

16 “(A) Percentage by weight of weed seeds, includ-
17 ing noxious weed seeds;

18 “(B) Percentage by weight of agricultural seeds
19 other than those included under paragraph (1) of this
20 subsection;

21 “(C) Percentage by weight of inert matter.

22 “(3) The following additional information:

23 “(A) Lot number or other identification;

24 “(B) Kinds of noxious-weed seeds and the rate of

1 occurrence of each, which rate shall be expressed in
2 accordance with and shall not exceed the rate allowed
3 for shipment, movement, or sale of such noxious-weed
4 seeds by the law and regulations of the State into which
5 the seed is offered for transportation or transported,
6 or in accordance with the rules and regulations of the
7 Secretary of Agriculture, when under the provisions of
8 section 101 (a) (9) (A) (iii) he shall determine that
9 weeds other than those designated by State requirements
10 are noxious;

11 “(C) Name and address of—

12 “(i) the person who transports, or delivers for
13 transportation, said seed in interstate commerce, or

14 “(ii) the person to whom the seed is sold or
15 shipped for resale, together with a code designation
16 approved by the Secretary of Agriculture under
17 rules and regulations prescribed under section 402
18 of this Act, indicating the person who transports
19 or delivers for transportation said seed in interstate
20 commerce.”

21 SEC. 11. Section 202 of said Act (53 Stat. 1281, 72
22 Stat. 477; 7 U.S.C. 1572) is amended by inserting the
23 word “treatment” followed by a comma immediately pre-

ceding the word "germination" wherever said word appears in said section.

SEC. 12. Section 203 (d) of said Act (53 Stat. 1282; 7 U.S.C. 1573 (d)) is amended to read as follows:

"(d) The provisions of sections 201 (a) and (b) relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or kind and variety of seeds shall not be deemed violated if there are seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the seeds to be that stated.

"(b) Section 203 of said Act is amended by adding at the end thereof a new subsection (e) reading as follows:

"(e) The provisions of section 201 (i) relative to the labeling of agricultural and vegetable seeds with the name of any substance used in the treatment of seeds shall not be deemed violated if the substance or substances used in such treatment could not be or were not identified because of their

1 indistinguishability from the substance or substances intended
2 to be used in the treatment of the seeds: *Provided*, That the
3 records of the person charged with the duty under said sec-
4 tion of labeling or invoicing the seeds, kept in accordance
5 with the rules and regulations of the Secretary of Agricul-
6 ture, together with other pertinent facts, disclosed that said
7 person has taken reasonable precautions to insure the identity
8 of the substance or substances to be as stated.' ”

9 SEC. 13. Section 301 (a) (4) of said Act (72 Stat.
10 478; 7 U.S.C. 1581 (a) (4)) is amended to read as follows:

11 “(4) Any seed containing 10 per centum or more of
12 any agricultural or vegetable seeds, unless the invoice per-
13 taining to such seed and any other labeling of such seed bear
14 a lot identification and the name of each kind and variety of
15 vegetable seed present in any amount and each kind or kind
16 and variety of agricultural seed present in excess of 5 per
17 centum of the whole, and unless in the case of hybrid seed
18 present in excess of 5 per centum of the whole it is designated
19 as hybrid.”

20 SEC. 14. Section 301 (a) of said Act (53 Stat. 1282;
21 7 U.S.C. 1581 (a)) is further amended by adding at the
22 end thereof a new paragraph (5) to read as follows:

23 “(5) Any agricultural seeds or any mixture thereof,
24 or any vegetable seeds or any mixture thereof, for seeding

1 purposes, that have been treated, unless each container
2 thereof bears a label giving the following information and
3 statements in accordance with rules and regulations pre
4 scribed under section 402 of this Act:

5 “(A) A word or statement indicating that the
6 seeds have been treated;

7 “(B) The commonly accepted coined, chemical
8 (generic), or abbreviated chemical name of any sub-
9 stance used in such treatment;

10 “(C) If the substance used in such treatment in
11 the amount remaining with the seeds is harmful to
12 humans or other vertebrate animals, an appropriate
13 caution statement approved by the Secretary of Agri-
14 culture as adequate for the protection of the public,
15 such as ‘Do not use for food or feed or oil purposes’:
16 *Provided*, That the caution statement for mercurials and
17 similarly toxic substances, as defined in said rules and
18 regulations, shall be a representation of a skull and cross-
19 bones and a statement such as ‘This seed has been treated
20 with POISON’, in red letters on a background of dis-
21 tinctly contrasting color; and

22 “(D) A description, approved by the Secretary of
23 Agriculture as adequate for the protection of the public,
24 of any process used in such treatment.”

25 SEC. 15. Section 302 (a) of said Act (53 Stat. 1283,

1 72 Stat. 478; 7 U.S.C. 1582 (a)) is amended by inserting
2 after the first sentence thereof the following sentence:

3 “The Secretary of Agriculture may apply statistical
4 sampling and inspection techniques to said samples and
5 screenings to determine whether the pure-live seed require-
6 ment of any kind of seed is being met, in which case, he shall
7 advise the importer of each lot of seed not examined for
8 pure-live seed percentage.”

9 SEC. 16. Section 302 (d) of the Act (72 Stat. 479;
10 7 U.S.C. 1582 (d)) is amended by adding at the end
11 thereof a new paragraph (3) reading as follows:

12 “(3) when seed not meeting the pure-live seed
13 requirements of section 304 of this title will not be sold
14 within the United States and will be used for seed
15 production only by or for the importer or consignee:
16 *Provided*, That the importer of record or consignee
17 files a statement in accordance with the rules and regu-
18 lations prescribed under section 402 of this Act certify-
19 ing that such seed will be used only for seed production
20 by or for the importer or consignee.”

21 SEC. 17. Section 302 of said Act (53 Stat. 1283, 72
22 Stat. 479, 7 U.S.C. 1582) is further amended by adding
23 at the end thereof a new paragraph (e) reading as follows:

24 “(e) The provisions of this title requiring certain seeds
25 to be stained shall not apply when such seed will not be

1 sold within the United States and will be used for seed pro-
2 duction only by or for the importer or consignee: *Provided*,
3 That the importer of record or consignee files a statement in
4 accordance with the rules and regulations prescribed under
5 section 402 of this Act certifying that such seed will be used
6 only for seed production by or for the importer or consignee.”

7 SEC. 18. Section 304 of said Act (53 Stat. 1284, 7
8 U.S.C. 1584) is amended to read as follows:

9 “SEC. 304. Seed subject to the provisions of section 301
10 is unfit for seeding purposes: (a) if any such seed contains
11 noxious-weed seeds, or (b) if any such seed contains more
12 than 2 per centum by weight of weed seeds, or (c) if any
13 such seed contains less than 75 per centum of pure-live seed,
14 or if any component of such seed present to the extent of 10
15 per centum or more contains less than 75 per centum of
16 pure-live seed: *Provided*, That when the Secretary of Agri-
17 culture shall find that any such seed or any kind of seed
18 present to the extent of 10 per centum or more cannot be
19 produced to contain 75 per centum of pure-live seed, he
20 may set up such standards from time for pure-live seed as
21 he finds can be produced and seed conforming to such
22 standards shall not be deemed to be unfit for seeding
23 purposes.”

1 SEC. 19. Section 101 (a) (4) of said Act (53, Stat.
2 1275, 7 U.S.C. 1561 (a) (4)) is amended by inserting the
3 word "treatment," before the word "variety".

Passed the House of Representatives September 19, 1966.

Attest:

RALPH R. ROBERTS,

Clerk.

80TH CONGRESS
2D SESSION

H. R. 15662

AN ACT

To amend the Federal Seed Act (53 Stat. 1275),
as amended.

SEPTEMBER 20, 1966

Read twice and referred to the Committee on
Agriculture and Forestry

11

OR

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued Sept. 22, 1966
For actions of Sept. 21, 1966
89th-2nd; No. 160

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HIGHLIGHTS: House received conference report on child nutrition bill. Senate committee voted to report bills to authorize rural-renewal loans for recreation, revise Seed Act, and permit holding of prepayments of FHA loans. Sen. Jordan announced hearings on revised Aiken bill to prevent handlers from treating cooperatives unfairly. House agreed to conference report on bill to authorize additional supergrade positions. Rep. Callaway criticized USDA announcement of regulation change re withdrawal of certain inspection services.

SENATE

1. ~~LOANS, SEEDS.~~ The Agriculture and Forestry Committee voted to report (but did not actually report) ~~S. 688, to authorize rural renewal loans for recreation and to non-profit organizations;~~ H. R. 15662, to revise the Federal Seed Act; and H. R. 15510, to permit the Department to hold prepayments to the Farmers Home Administration on loans. p. D900
2. COOPERATIVES. Sen. Aiken submitted an amendment which he intends to propose as a substitute for S. 109, to prevent handlers from treating cooperatives

unfairly. The amendment was printed in the Record. Sen. Jordan announced that hearings will be held Sept. 28. pp. 22632, 22633-4

3. BUILDINGS. Passed as reported H. R. 14019, to authorize additional appropriations for Government buildings in foreign countries. pp. 22562-4
4. MINERALS. Passed as reported S. 3485, to establish standards for determining whether a particular amendment is a common variety under the Common Varieties Act and therefore subject to leasing. pp. 22564-6
5. CHILD NUTRITION. Sen. Proxmire expressed satisfaction at legislative progress of the child nutrition bill. p. 22592
6. CONGRESSIONAL REORGANIZATION. The Special Committee on the Organization of Congress reported the proposed Legislative Reorganization Act of 1966 (S. Rept. 1629). Sen. Monroney said: "It enlarges the role of the General Accounting Office in making a greater variety of budgetary data--suitable for computer programming--available to all Members and by providing expert staff assistance in GAO to be on call by the standing committees to assist in modern program evaluation techniques. It provides for more frequent budget updating and more long-range projections of continuing programs. It requires an analysis of the budgetary consequences of new legislation by the legislative committees. It recommends a more open, output oriented appropriations review... It attempts to rationalize congressional scheduling by providing for an August recess period in the event the business of the session has not been concluded by the legal adjournment date of July 31." pp. 22656-8
7. SALT-WATER RESEARCH. Passed without amendment S. 3823, to authorize the Interior Department to participate in construction and operation of a large prototype desalting plant. pp. 22667-70
8. JOB CORPS. Sen. Dominick criticized administration of the Job Corps program. pp. 22670-4
9. FOREIGN AID. Passed without amendment S. J. Res. 194, to authorize the President to designate Oct. 31 of each year as National UNICEF Day. p. 22628
10. LEGISLATIVE PROGRAM. Sen. Mansfield stated his hope that the Labor-HEW appropriation bill will be reported today, in which event it is to be considered tomorrow, September 23; and that, if reported this week, the bill to establish a Department of Transportation, and the health and education bills, will be considered next week. p. 22620

HOUSE

11. SUPERGRADES. Agreed to the conference report on S. 2393, to authorize 300 additional positions at GS-16, 17, and 18. p. 22424
12. AWARDS. The Foreign Affairs Committee reported S. 2463, to grant the consent of the Congress to acceptance of certain gifts and decorations from foreign governments (H. Rept. 2052). p. 22559
13. CHILD NUTRITION. Received the conference report on S. 3467, the child nutrition bill (H. Rept. 2063). The conferees accepted the bill as passed by the house (for provisions see Digest 110) with the exception of House amendments



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DIGEST of Congressional Proceedings

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Issued Sept. 23, 1966
For actions of Sept. 22, 1966
89th-2nd; No. 161

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HIGHLIGHTS: Senate agreed to conference report on bill to authorize additional supergrade positions. Senate committee reported bills to revise Seed Act and authorize holding of prepayments on FHA loans. Senate committees voted to report poverty and Transportation Dept. bills. House subcommittee approved bill providing adjustment of Defense milk contracts when USDA orders prices raised. House committees voted to report packaging and labeling and disaster relief bills.

SENATE

1. **SUPERGRADES.** Agreed to the conference report on S. 2393, to authorize 300 additional positions at GS-16, 17, and 18. This bill will now be sent to the President. pp. 22693-4
2. **LABOR-HEW APPROPRIATION BILL.** The Appropriations Committee reported with amendments this bill, H. R. 14745, which is to be debated Mon. (S. Rept. 1631). p. 22676

3. LOANS. The Agriculture and Forestry Committee reported without amendment H. R. 15510, to authorize the Department to hold prepayments made by insured-loan borrowers and transmit them to the holders of the notes in installments as they become due (S. Rept. 1633). p. 22676
Sen. Eastland commended the program for FHA loans and grants for water supply and waste disposal. p. 22707
4. SEED. The Agriculture and Forestry Committee reported with amendments H. R. 15662, to revise the Federal Seed Act (S. Rept. 1632). p. 22676
5. TAXATION. Sen. Proxmire claimed the proposed investment-credit suspension would take \$100 million annually out of the pockets of farmers. p. 22690
6. PERSONNEL; EXPENDITURES. Sen. Williams, Del., criticized "excessive" Federal employment and said the freeze at present levels is an "insult to the intelligence of ...taxpayers." pp. 22696-7
7. CHILD NUTRITION. Sen. Proxmire commended action on the child nutrition bill. p. 22720
8. CORN. Sen. Miller commended the work of the Corn Refiners Association, Inc. pp. 22725-6
9. TARIFFS. Sen. Smathers gave a situation report on Kennedy Round tariff negotiations. pp. 22727-31
10. SEA-GRANT COLLEGES. Conferees were appointed on H. R. 16559, to authorize sea-grant colleges. House conferees have been appointed. p. 22748
11. BUILDINGS. Received from GSA a proposed bill "to amend the Public Buildings Act"; to Public Works Committee. p. 22676
12. EXPOSITION. The Foreign Relations Committee voted to report (but did not actually report) H. R. 15098, to provide for U. S. participation in the HemisFair 1968 Exposition, to be held in San Antonio. pp. D907-8
13. TRANSPORTATION. The Government Operations Committee voted to report (but did not actually report) S. 3010, to create a Department of Transportation. p. D908
14. POVERTY. The Labor and Public Welfare Committee voted to report (but did not actually report) S. 3164, to amend the Economic Opportunity Act. As approved, the bill would authorize \$2.496 billion for the fiscal year 1967. p. D908
15. ADJOURNED until Mon., Sept. 26. p. 22748

HOUSE

16. MILK PRICES. A subcommittee of the Armed Services Committee approved for full committee action H. R. 17500, amended, to provide for price adjustments in contracts for procurement of milk by the Department of Defense. p. D909
17. PACKAGING AND LABELING. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) H. R. 15440, amended, to prevent the use of unfair or deceptive methods of packaging or labeling of certain consumer

MODERNIZATION OF THE FEDERAL SEED ACT

SEPTEMBER 22, 1966.—Ordered to be printed

Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, submitted the following

R E P O R T

[To accompany H.R. 15662]

The Committee on Agriculture and Forestry, to which was referred the bill (H.R. 15662) to amend the Federal Seed Act (53 Stat. 1275), as amended, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

EXPLANATION OF BILL

This bill would simplify, modernize, and otherwise improve the Federal Seed Act.

It would—

(1) Delete specific references to Alaska and Hawaii, since they are now States;

(2) Delete a long statutory list of agricultural seeds which has been superseded by regulations authorized by law;

(3) Substitute "soybeans", "flax", "carrot" and "radish" (which represent single species) for "wheat", "oat", "vetch", and "sweetclover" (which represent more than one species) as examples of names of kinds of seed, since the use of wheat, oat, vetch, and sweetclover as examples prevents the Secretary from requiring separate kind names for each of the species represented by those names;

(4) Require agricultural seed generally labeled as to variety either to be so labeled or to be labeled so as to make it clear that the variety is not stated on the label;

(5) Require hybrid agricultural or vegetable seed (except lawn and turf mixtures in containers of 50 pounds or less) to be labeled as hybrid, since hybrid seed will not ordinarily produce seed suitable for planting;

(6) Require inoculated seed to be labeled as to the date the inoculant is no longer claimed effective;

(7) In the case of containers of more than 1 pound, remove the requirement that seed of below standard germination bear the words "below standard," since purchasers in that quantity understand the actual germination data shown;

(8) Remove the 9-month limit on the expanded period the Secretary may allow between germination test and introduction into commerce, since new packaging provides longer viability;

(9) Permit lawn and turf mixture in containers of 50 pounds or less to omit statements concerning germination of other agricultural seed components and origin, since these are not significant to lawn and turf seed purchasers;

(10) Include seed treatment among the items on which records must be kept so that compliance can be determined;

(11) Provide for "reasonable" instead of "all proper" precautions being taken to insure the proper identification of certain seeds (not considered a material change);

(12) Provide that seed would not be deemed mislabeled as to treatment if the substance used was indistinguishable from the substance intended to be used. This provision is intended to protect not only persons treating the seed, but also purchasers who relabel and are unable to distinguish the treated seed from seed treated with the substance shown by the label;

(13) Require imported seed to be labeled as to each 5 percent component of agricultural seed, and to designate as hybrid each 5 percent hybrid component;

(14) Require imported seed that has been treated to show the same information as to treatment required of seed in interstate commerce;

(15) Permit selective (rather than universal) testing of imported seed for pure live seed content, so as to avoid delays in importation. (The importer may, at his cost, have any lot tested. All seed in interstate commerce must be correctly labeled, so the general public is protected.);

(16) Permit importation of seed not meeting pure live seed, or staining, requirements, where it is to be used only for seed production by or for the importer;

(17) Repeal the statutory tolerances on noxious-weed seeds in imported seed, since tolerances are also provided in the testing operation, resulting in a double tolerance at the present time; and

(18) Amend the definition of interstate commerce to apply to labeling for treatment in the same manner as to labeling for variety and origin.

COMMITTEE AMENDMENTS

The committee amendments (except for that deleting "pure-" in sec. 18) correct typographical errors, punctuation, citations, and subsection designation. The deletion of "pure-" in section 18 is required because the Department has informed the committee that it is impossible to determine the pure-live seed content of a component in a mixture, there being no way of identifying the chaff and other inert matter.

DEPARTMENTAL VIEWS

The report of the Department of Agriculture on S. 3324, the Senate companion bill to H.R. 15662, is attached. The Department recommended enactment with amendments, all but one of which are included in the House bill. The amendment not included is that proposed to section 10 which would require the hybrid character of any hybrid component of lawn and turf mixtures in containers of 50 pounds or less to be shown on the label. The committee understands that there are no hybrid lawn and turf seeds; that the sole purpose of the Department's proposal in this regard was to bring lawn and turf seed mixture labeling in conformity with other provisions; that subsequent to the time the Department reported on H.R. 15662 making this same recommendation the Department and the seed trade worked out the provisions of H.R. 15662 adopted by the House and agreed to omit this recommendation; and that the proposed amendment would accomplish no useful purpose and is not considered necessary by the Department.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 16, 1966.

HON ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your letter of May 10 requesting a report on S. 3324, a bill to amend the Federal Seed Act.

This Department recommends that the bill be passed provided the proposed wording of sections 7 and 10 is changed and one section is added to the bill.

The several provisions of the bill are briefly summarized below, with a statement of our proposed changes in the pertinent sections:

Section 1

The references to Alaska and Hawaii would be deleted from the act inasmuch as both now come within any reference to "State."

Section 2

The out-of-date lists of kinds of agricultural seeds subject to the act would be deleted from the act. An up-to-date list is maintained in the rules and regulations under the act and would continue to be so maintained under the provisions of this section of the bill.

Section 3

Examples of kind names consisting of more than one species would be deleted from the act and new kind names substituted therefor. The present examples are no longer considered valid kind names for the discriminating buyer of seed.

Section 4

This section would amend section 201(a) of the act to require that seed intended for lawn and turf purposes, when in containers of 50 pounds or less, would be labeled in a different manner than other agricultural seeds. (See sec. 10 of the bill.)

It is suggested that the word "of" be changed to "for" in line 16 to read "for seed mixtures."

Section 5

This section of the bill would amend section 201(a)(1) of the act to require that if a component of seed is present which the Secretary has determined is generally labeled as to variety, the label shall bear the name of that variety or the statement "variety not stated." This will prevent confusion between brands or trademarks and variety names when variety names are not stated on the label. In addition, this section would require all hybrid seed to be labeled as such to warn the purchaser that seed produced from the crop should not normally be used for planting.

Section 6

Seed which has been inoculated would be required to be labeled with the month and year beyond which the inoculant would no longer be considered effective.

Section 7

This section would amend section 201(b) of the act to require that vegetable seeds in containers of 1 pound or more be labeled with detailed germination information, whether or not below the standards established by the Secretary. Seed purchasers buying these quantities need to know the precise germination and need not be informed that it is "below standard."

It is recommended that subdivision (A) of subsections (b)(1) (p. 3, line 25), (b)(2) (p. 4, line 17), and (b)(3) (p. 5, line 13) of section 201 of the act as it would be amended by this section, be amended to read as follows:

"(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid seed on the label; and".

This proposal would then require hybrid vegetable seed to be labeled as such for the same reason as stated in section 5 above for agricultural seed. This requirement then conforms with section 13 relative to identification of imported agricultural or vegetable seed as hybrid seed, if such is the case.

It is also recommended that the introductory wording of section 7 be amended by inserting the words "to read" after the word "amended" to be consistent with the wording of other sections of the bill.

Section 8

Section 8 would amend section 201(c) of the act to authorize the Secretary of Agriculture, by rules and regulations, to stipulate a longer period of time after the germination test in which seed may be shipped interstate if packaged under specified conditions. Recent research has shown that certain kinds of seed possessing high vigor when dried to low moisture content and packaged in hermetically sealed containers will maintain germination for as long as 3 years.

Section 9

This section would clarify the present language of section 201(i)(4) with respect to label information dealing with the description of the process used in treatment of seed.

Section 10

This section of the bill deals with mixtures of agricultural seed intended for lawn and turf purposes and would require that they be labeled to indicate those kinds or varieties of seed that are considered "fine textured" and those that are "coarse kinds." This would enable the homeowner to purchase such seed on the basis of whether it will produce coarse or fine-textured turf without specific technical knowledge regarding each kind or variety in the mixture.

It is recommended that subsection 201(j)(1)(i) of the act, as it would be amended by this section, be amended to read as follows:

"(i) the name of each kind, or kind and variety, and in the case of any such component which is hybrid seed, it shall be designated as hybrid on the label,".

The above recommendation would bring the labeling requirements with respect to lawn and turf seed mixtures into conformity with other proposals of the bill insofar as hybrid seed is concerned.

Section 11

The amendment of section 202 of the act would require interstate shippers to keep records of treatment of seeds in addition to records of origin, germination, and purity already required to be kept under this section of the act.

Section 12

This section would clarify the present provisions of section 203(d) with respect to exemption from liability for labeling indistinguishable seed. A new subsection (c) would be added to exempt persons from liability for labeling treated seed when relying on the representations of suppliers and otherwise exercising reasonable care.

Sections 13 and 14

These two sections of the bill would generally impose the same labeling requirements on imported seed as are imposed on seed moving in interstate commerce with respect to labeling hybrid seed and treated seed, and bearing a lot identification.

Section 15

This amendment would enable the Secretary to random sample in testing imported seed for pure-live seed percentage. On those samples in which a pure-live seed determination is not made, the importer shall be so informed. All lots would continue to be examined to determine that they do not exceed the weed-seed restrictions.

Section 16

This amendment would provide that seed offered for importation not meeting the pure-live seed requirements may be admitted if the seed is to be used for seed production purposes only by or for the importer, is not to be sold in the United States, and the importer so certifies. The act presently prohibits the importation of all seed not meeting the pure-live seed requirements which has hampered our program of producing seed of foreign varieties under contract for export.

Section 17

This amendment would provide that seed offered for importation subject to the staining requirements of the act may be admitted

without staining if the seed is declared for seed production purposes only by or for the importer, is not to be sold in the United States, and the importer so certifies. The staining of all imported alfalfa and red clover seed as now required is not justified when no resale is involved.

Section 18

This amendment would provide that seed offered for importation containing any noxious-weed seeds would be considered unfit for seeding purposes and would be refused admission. Presently, the act permits importation of seed containing noxious-week seeds in amounts which preclude the seed from sale in most States.

It is further suggested that section 101(a)(4) of the Federal Seed Act, (53 Stat. 1275, 7 U.S.C. 1561(a)(4)) be amended by inserting the word "treatment" and a comma before the word "variety". This section, a statement expanding the definition of interstate commerce, presently refers only to labeling for variety and origin. Since the act as it would be amended by the proposed amendments would impose various requirements relating to treatment of seed, the definition of interstate commerce should refer to treatment as well as variety and origin.

These amendments, if approved, are not expected to increase the cost of administration of the Federal Seed Act.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN A. SCHNITTKER,
Under Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic* existing law in which no change is proposed is shown in roman):

FEDERAL SEED ACT, AS AMENDED

TITLE I.—DEFINITIONS

SEC. 101. (a) When used in this Act—

(1) The term "United States" means the several States, **[Alaska,]** District of Columbia, **[Hawaii,]** and Puerto Rico.

(2) The term "person" includes a partnership, corporation, company, society, or association.

(3) The term "interstate commerce" means—

(A) commerce between any State, Territory, possession, or the District of Columbia, and any other State, Territory, possession, or the District of Columbia; or

(B) commerce between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or

(C) commerce within the District of Columbia.

(4) For the purpose of this Act with respecting to labeling for *treatment*, variety and origin (but not in anywise limiting the foregoing definition), seeds shall be considered to be in interstate commerce, or delivered for transportation in interstate commerce, if such seeds are part of, or delivered for transportation in, that current of commerce usual in the transportation and/or merchandising of seeds, whereby such seeds are sent from one State with the expectation that they will end their transit in another, including, in addition to cases within the above general description, all cases where seeds are transported or delivered for transportation to another State, or for processing or cleaning for seeding purposes within the State and shipment outside the State of the processed or cleaned seeds. Seeds normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act.

(5) The term "foreign commerce" means commerce between the United States, its possessions, or any Territory of the United States, and any foreign country.

(6)(a) The term "district court of the United States" means any court exercising the powers of a district court of the United States.

(b) The term "circuit court of appeals," in case the principal place of business or the place of residence of a person against whom a cease and desist order is issued is in the District of Columbia, includes the Court of Appeals of the District of Columbia.

(7) The term—

[(A) "Agricultural seeds" shall include grass, forage, and field crop seeds, as follows:

[*Agropyron cristatum* (L.) Beauv.—Crested wheatgrass.

[*Agropyron pauciflorum* (Schwein.) Hitchc.—Slender wheatgrass.

[*Agropyron smithii* Rydb.—Bluestem.

[*Agrostis alba* L.—Redtop.

[*Agrostis canina* L.—Velvet bent.

[*Agrostis palustris* Huds.—Creeping bent.

[*Agrostis* spp.—Bentgrasses.

[*Avena* spp.—Oat.

[*Beta vulgaris* L.—Field beet.

[*Brassica napus* L.—Winter rape.

[*Bromus inermis* Leyss.—Smooth brome.

[*Chloris gayana* Kunth.—Rhodesgrass.

[*Dactylis glomerata* L.—Orchardgrass.

[*Echinochloa crusgalli frumentacea* (Roxb.) Wight.—Japanese millet.

[*Fagopyrum vulgare* Hill.—Common buckwheat.

[*Festuca* spp.—Fescue.

[*Gossypium* spp.—Cotton.

[*Hordeum* spp.—Barley.

[*Lespedeza sericea* (Thunb.) Miq.—Chinese lespedeza.

[*Lespedeza stipulacea* Maxim.—Korean lespedeza.

[*Lespedeza striata* (Thunb.) Hook. and Arn.—Common and Kobe lespedeza.

[*Linum usitatissimum* L.—Flax.

[*Lolium multiflorum* Lam.—Italian ryegrass.

[*Lolium perenne* L.—Perennial ryegrass.

- [*Medicago arabica* (L.) All.—Burclover.
- [*Medicago hispida* Gaert.—Burclover.
- [*Medicago lupulina* L.—Black medlick.
- [*Medicago sativa* L.—Alfalfa.
- [*Melilotus alba* Desr.—White sweetclover.
- [*Melilotus indica* (L.) All.—Sourclover.
- [*Melilotus officinalis* (L.) Lam.—Yellow sweetclover.
- [*Melinis minutiflora* Beauv.—Molassesgrass.
- [*Oryza sativa* L.—Rice.
- [*Panicum fasciculatum* Swartz.—Browntop millet.
- [*Panicum milliaceum* L.—Proso millet.
- [*Paspalum dilatatum* Poir.—Dallisgrass.
- [*Paspalum natatum* Fluegge.—Bahagrass.
- [*Pennisetum glaucum* (L.) R. Br.—Pearl millet.
- [*Pennisetum purpureum* Schumach.—Napiergrass.
- [*Phleum pratense* L.—Timothy.
- [*Phalaris arundinacea* L.—Reed canarygrass.
- [*Pisum sativum arvense* L. (Poir).—Field pea, Austrian winter pea.
- [*Poa annua* L.—Annual bluegrass.
- [*Poa compressa* L.—Canada bluegrass.
- [*Poa nemoralis* L.—Wood bluegrass.
- [*Poa pratensis* L.—Kentucky bluegrass.
- [*Poa trivialis* L.—Rough bluegrass.
- [*Secale cereale* L.—Rye.
- [*Setaria italica* (L.) Beauv.—Foxtail, German, Hungarian, or golden millet.
- [*Soja max* (L.) Piper.—Soybean.
- [*Sorghum vulgare* Pers.—Sorghum.
- [*Sorghum vulgare sudanense* (Piper) Hitchc.—Sudangrass.
- [*Stizolobium utile* (Wall.) Piper and Tracy.—Velvetbean.
- [*Trifolium dubium* Sibth.—Suckling clover.
- [*Trifolium hybridum* L.—Alsike clover.
- [*Trifolium incarnatum* L.—Crimson clover.
- [*Trifolium pratense* L.—Red clover.
- [*Trifolium repens* L.—White clover.
- [*Triticum* spp.—Wheat; spelt; emmer.
- [*Vicia angustifolia* (L.) Reich.—Narrowleaf vetch.
- [*Vicia atropurpurea* Desf.—Purple vetch.
- [*Vicia dasycarpa* Ten.—Woolypod vetch.
- [*Vicia montantha* Desf.—Monantha vetch.
- [*Vicia pannonica* Crantz.—Hungarian vetch.
- [*Vicia sativa* L.—Common vetch.
- [*Vicia villosa* Roth.—Hairy vetch.
- [*Vigna sinensis* (Torner) Savi.—Cowpea.
- [*Zea mays* L.—Field corn:

[*Provided*, That the Secretary of Agriculture is authorized by rules and regulations to add to or take from such list of agricultural seed, when he finds that any seeds are or are not used for seeding purposes in the United States.]

(A) "*Agricultural seeds*" shall mean grass, forage, and field crop seeds which the Secretary of Agriculture finds are used for seeding purposes in the United States and which he lists in the rules and regulations prescribed under section 402 of this Act.

(B) "Vegetable seeds" shall include the seeds of those crops that are or may be grown in gardens or on truck farms and are or may be generally known and sold under the name of vegetable seeds.

(8)(A) For the purpose of title II, the term "weed seeds" means the seeds or bulblets of plants recognized as weeds either by the law or rules and regulations of—

(i) The State into which the seed is offered for transportation, or transported; or

(ii) [Alaska, Hawaii,] Puerto Rico, Guam, or District of Columbia into which transported, or District of Columbia in which sold.

(B) For the purpose of title III, the term "weed seeds" means seeds or bulblets of plants which are found by the Secretary of Agriculture to be detrimental to the agricultural interests of the United States, or any part thereof.

(9)(A) For the purpose of title II, the term "noxious-weed seeds" means the seeds or bulblets of plants recognized as noxious—

(i) by the law or rules and regulations of the State into which the seed is offered for transportation, or transported;

(ii) by the law or rules and regulations of [Alaska, Hawaii,] Puerto Rico, Guam, or the District of Columbia, into which transported, or District of Columbia in which sold; or

(iii) by the rules and regulations of the Secretary of Agriculture under this Act, when after investigation he shall determine that a weed is noxious in the United States or in any specifically designated area thereof.

(B) For the purpose of title III, the term "noxious-weed seeds" means the seeds of *Lepidium draba* L., *Lepidium repens* (Schrenk) Boiss, *Hymenophyssa pubescens* C. A., Mey, white top; *Cirsium arvense* (L.) Scop., Canada thistle; *Cuscuta supp.*, dodder; *Agropyron repens* (L.) Beauv., quackgrass; *Sorghum halepense* (L.) Pers., Johnson grass; *Convolvulus arvensis* L., bindweed; *Centaurea picris* Pall., Russian knapweed; *Sonchus arvensis* L., perennial sowthistle; *Euphorbia esula* L., leafy spurge; and seeds of bulblets of any other kinds which after investigation the Secretary of Agriculture finds should be included.

(10) The term "origin" means the State, [Alaska,] District of Columbia, [Hawaii,] Puerto Rico, or possessions of the United States, or the foreign country, or designated portion thereof, where the seed was grown.

(11) The term "kind" means one or more related species or subspecies which singly or collectively is known by one common name, for example, [wheat] soybean, [oat] flax, [vetch] carrot, [sweet-clover] radish, cabbage, cauliflower, and so forth.

(12) The term "variety" means a subdivision of a kind which is characterized by growth, plant, fruit, seed or other characters by which it can be differentiated from other sorts of the same kind, for example, Marquis wheat, Flat Dutch cabbage, Manchu soybeans, Oxheart carrot, and so forth.

(13) The term "type" means either (A) a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions; or (B) when used with a variety name means seed of the variety named which may be mixed with seed of other varieties of the same kind and of similar character,

the manner of and the circumstances connected with the use of the designation to be governed by rules and regulations prescribed under section 402 of this Act.

(14) The term "germination" means the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions (not including seeds which produce weak, malformed, or obviously abnormal sprouts), determined by methods prescribed under section 403 of this Act.

(15) The term "hard seed" means the percentage of seeds which because of hardness or impermeability do not absorb moisture or germinate under prescribed tests but remain hard during the period prescribed for germination of the kind of seed concerned, determined by methods prescribed under section 403 of this Act.

(16) The term "inert matter" means all matter not seeds, and includes among others broken seeds, sterile florets, chaff, fungus bodies, and stones, determined by methods prescribed under section 403 of this act.

(17) The term "pure live seed" for the purpose of title III means that portion of any lot seed subject to this act that consists of live agricultural or vegetable seed determined by methods prescribed under section 403 of this act.

(18) The term "label" means the display or displays of written, printed, or graphic matter upon or attached to the container of seed.

(19) The term "labeling" includes all labels, and other written, printed, and graphic representations, in any form whatsoever, accompanying and pertaining to any seed whether in bulk or in containers, and includes invoices.

(20) The term "advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this Act.

(21) Subject to such tolerances as the Secretary of Agriculture is authorized to prescribe under the provisions of this Act—

(A) the term "false labeling" means any labeling which is false or misleading in any particular;

(B) the term "false advertisement" means any advertisement which is false or misleading in any particular.

(22) The term "screenings" shall include chaff, sterile florets, immature seed, weed seed, inert matter, or any other materials removed in any way from any seeds in any kind of cleaning or processing and which contain less than 25 per centum of live agricultural or vegetable seeds.

(23) The term "in bulk" refers to seed when loose either in vehicles of transportation or in storage, and not to seed in bags or other containers.

(24) The term "treated" means given an application of a substance or subjected to a process designed to reduce, control, or repel disease organisms, insects or other pests which attack seeds or seedlings growing therefrom.

(25) The term "seed certifying agency" means (A) an agency authorized under the laws of a State, Territory, or possession, to officially certify seed, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedure and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A).

TITLE II.—INTERSTATE COMMERCE

PROHIBITIONS RELATING TO INTERSTATE COMMERCE IN CERTAIN SEEDS

SEC. 201. It shall be unlawful for any person to transport or deliver for transportation in interstate commerce—

(a) **Any agricultural seeds or any mixture of agricultural seeds for seeding purposes, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of this Act:** *Any agricultural seeds or any mixture of agricultural seeds for seeding purposes, unless each container bears a label giving the following information, except as provided in paragraph (j) of this section for seed mixtures intended for lawn and turf purposes, in accordance with the rules and regulations prescribed under section 402 of this Act:*

(1) **The name of (A) kind, or (B) kind and variety, or (C) kind and type, for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: Provided, That such components are expressed in accordance with the category designated under (A), (B), or (C);** *The name of the kind or kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: Provided, That if any such component is one which the Secretary of Agriculture has determined, in the rules and regulations prescribed under section 402 of this Act, is generally labeled as to variety, the label shall bear, in addition to the name of the kind, either the name of such variety or the statement "Variety Not Stated": And provided further, That in the case of any such component which is a hybrid seed it shall, in addition to the above requirements, be designated as hybrid on the label;*

(2) Lot number or other identification;

(3) Origin, stated in accordance with paragraph (a)(1) of this section, of each agricultural seed present which has been designated by the Secretary of Agriculture as one on which a knowledge of the origin is important from the standpoint of crop production, if the origin is known, and if each such seed is present in excess of 5 per centum. If the origin of such agricultural seed or seeds is unknown, that fact shall be stated;

(4) Percentage by weight of weed seeds, including noxious-weed seeds;

(5) Kinds of noxious-weed seeds and the rate of occurrence of each, which rate shall be expressed in accordance with and shall not exceed the rate allowed for shipment, movement, or sale of such noxious-weed seeds by the law and regulations of the State into which the seed is offered for transportation or transported or in accordance with the rules and regulations of the Secretary of Agriculture, when under the provisions of section 101(a)(9)(A) (iii) he shall determine that weeds other than those designated by State requirements are noxious;

(6) Percentage by weight of agricultural seeds other than those included under paragraph (a)(1) of this section;

(7) Percentage by weight of inert matter;

(8) For each agricultural seed, in excess of 5 per centum of the whole, stated in accordance with paragraph (a)(1) of this

section, and each kind or variety or type of agricultural seed shown in the labeling to be present in a proportion of 5 per centum or less of the whole, (A) percentage of germination, exclusive of hard seed, (B) percentage of hard seed, if present, and (C) the calendar month and year the test was completed to determine such percentages;

(9) Name and address of (A) the person who transports, or delivers for transportation, said seed in interstate commerce, or (B) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under the rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce;

(10) *The year and month beyond which an inoculant, if shown in the labeling, is no longer claimed to be effective.*

[(b) Any vegetable seeds, for seeding purposes, in containers, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of this act;

[(1) Name of each kind and variety of seed and if two or more kinds or varieties are present, the percentage of each;

[(2) For each variety of vegetable seeds which germinates less than the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

[(i) percentage of germination, exclusive of hard seed;

[(ii) percentage of hard seed, if present;

[(iii) the calendar month and year the test was completed to determine such percentages;

[(iv) the words "Below Standard"; and

[(3) Name and address of—

[(A) The person who transports, or delivers for transportation, said seed in interstate commerce; or

[(B) The person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.]]

(b) *Any vegetable seeds, for seeding purposes, in containers, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of this Act:*

(1) *For containers of one pound or less of seed that germinates equal to or above the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—*

(A) *The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and*

(B) *Name and address of—*

(i) *the person who transports, or delivers for transportation, said seed in interstate commerce; or*

(ii) *the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the*

person who transports or delivers for transportation said seed in interstate commerce;

(2) For containers of one pound or less of seed that germinates less than the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

(B) For each named kind and variety of seed—

(i) the percentage of germination, exclusive of hard seed;

(ii) the percentage of hard seed, if present;

(iii) the calendar month and year the test was completed to determine such percentages;

(iv) the words "Below Standard"; and

(C) Name and address of—

(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.

(3) For containers of more than one pound of seed—

(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label;

(B) Lot number or other lot identification;

(C) For each named kind and variety of seed—

(i) the percentage of germination, exclusive of hard seed;

(ii) the percentage of hard seed, if present;

(iii) the calendar month and year the test was completed to determine such percentages; and

(D) Name and address of—

(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.

(c) Any agricultural or vegetable seed unless the test to determine the percentage of germination required by this section shall have been completed within a five-month period, exclusive of the calendar month in which the test was completed, immediately prior to transportation or delivery for transportation in interstate commerce: *Provided, however,* That the Secretary of Agriculture may by rules and regulations designate: (a) a shorter period for kinds of agricultural or vegetable seed which he finds under ordinary conditions of handling will not maintain, during the aforesaid five-month period, a germination within the established limits of tolerance; or (b) [a longer period

not to exceed nine months, exclusive of the calendar month in which the test was completed, for kinds of agricultural or vegetable seed which he finds under ordinary conditions of handling will maintain during such longer period a germination within the established limits of tolerance] *a longer period for any kind of agricultural or vegetable seed which is packaged in such container materials and under such other conditions prescribed by the Secretary of Agriculture as he finds will, during such longer period, maintain the viability of said seed under ordinary conditions of handling.*

(d) Any agricultural seeds or vegetable seeds having a false labeling, or pertaining to which there has been a false advertisement, or to sell or offer for sale such seed for interstate shipment by himself or others.

(e) Seed which is required to be stained under the provisions of this Act and the regulations made and promulgated thereunder, and is not so stained.

(f) Seed which has been stained to resemble seed stained in accordance with the provisions of this Act and the regulations made and promulgated thereunder.

(g) Seed which is a mixture of seeds which are required to be stained or which are stained with different colors under the provisions of this Act and of the regulations made and promulgated thereunder, or which is a mixture of any seed required to be stained under the provisions of this Act and of the regulations made and promulgated thereunder, with seed of the same kind produced in the United States.

(h) Screenings of any seed subject to this Act, unless they are not intended for seeding purposes; and it is stated on the label, if in containers, or on the invoice, if in bulk, that they are intended for cleaning, processing or manufacturing purposes, and not for seeding purposes.

(i) Any agricultural seeds or any mixture thereof or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

(1) A word or statement indicating that the seeds have been treated;

(2) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

(3) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as "Do not use for food or feed or oil purposes": *Provided*, That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as "This seed has been treated with POISON", in red letters on a background of distinctly contrasting color; and

(4) [A description of process used in such treatment, approved by the Secretary of Agriculture as adequate for the protection of the public.] *A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment.*

(j) Any agricultural seed mixtures intended for lawn and turf seed purposes, in containers of fifty pounds or less, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

(1) The headings "Fine-textured Grasses" and "Coarse Kinds", and specified in tabular form thereunder in type no larger than the headings, for each lawn and turf seed component present in excess of 5 per centum of the whole or named on the label:

- (i) the name of the kind, or kind and variety,
- (ii) the percentage by weight of each, in order of its predominance under the appropriate heading required above,
- (iii) the percentage of germination of each, exclusive of hard seed,
- (iv) the percentage of hard seed, if present, and
- (v) the calendar month and year the test was completed to determine such percentages.

(2) The heading "Other Ingredients", and specified thereunder in type no larger than the heading the following information:

(A) Percentage by weight of weed seeds, including noxious-weed seeds;

(B) Percentage by weight of agricultural seeds other than those included under paragraph (1) of this subsection;

(C) Percentage by weight of inert matter.

(3) The following additional information:

(A) Lot number or other identification;

(B) Kinds of noxious-weed seeds and the rate of occurrence of each, which rate shall be expressed in accordance with and shall not exceed the rate allowed for shipment, movement, or sale of such noxious-weed seeds by the law and regulations of the State into which the seed is offered for transportation or transported, or in accordance with the rules and regulations of the Secretary of Agriculture, when under the provisions of section 101(a)(9)(A)(iii) he shall determine that weeds other than those designated by State requirements are noxious;

(C) Name and address of—

(i) the person who transports, or delivers for transportation, said seed in interstate commerce, or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.

RECORDS

SEC. 202. All persons transporting, or delivering for transportation, in interstate commerce, agricultural seeds shall keep for a period of three years a complete record of origin, treatment, germination, and purity of each lot of such agricultural seeds, and all persons transporting, or delivering for transportation, in interstate commerce, vegetable seeds shall keep for a period of three years a complete record of treatment, germination and variety of such vegetable seeds. The Secretary of Agriculture, or his duly authorized agents, shall have the

right to inspect such records for the purpose of the effective administration of this Act.

EXEMPTIONS

SEC. 203. (a) The provisions of sections 201 and 202 shall not apply to any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier: *Provided*, That such carrier is not engaged in processing or merchandising seed subject to the provisions of this Act; and such provisions shall not apply to seeds produced by any farmer on his own premises and sold by him directly to the consumer, provided such farmer is not engaged in the business of selling seeds not produced by him: *And provided further*, That such seeds produced or sold by him when transported or offered for transportation to any State, Territory, or District, shall not be exempted from the provisions of section 201 and 202 unless said seeds shall be in compliance with the operation and effect of the laws of such State, Territory, or District, enacted in the exercise of its police power, to the same extent and in the same manner as though such seed had been produced, sold, offered or exposed for sale in such State, Territory, or District, and shall not be exempted therefrom by reason of being introduced therein in original packages or otherwise: *And provided further*, That such seeds produced or sold by him are in compliance with the seed laws of the State into which the seed is transported.

(b) The provisions of section 201 (a), (b) or (i) shall not apply—

(1) to seed or grain not intended for seeding purposes when transported or offered for transportation in ordinary channels of commerce usual for such seed or grain intended for manufacture or for feeding; or

(2) to seed intended for seeding purposes when transported or offered for transportation in interstate commerce—

(A) if in bulk, in which case, however, the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under sections 201(a), (b) and (i); or

(B) if in containers and in quantities of twenty thousand pounds or more: *Provided*, That (i) the omission from each container of the information required under sections 201(a), (b), and (i) is with the knowledge and consent of the consignee prior to the transportation or delivery for transportation of such seed in interstate commerce, (ii) each container shall have stenciled upon it or bear a label containing a lot designation, and (iii) the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under sections 201(a), (b), and (i); or

(C) if consigned to a seed cleaning or processing establishment, to be cleaned or processed for seeding purposes: *Provided*, That (i) this fact is so stated in the invoice or other records accompanying and pertaining to such seed if the seed is in bulk or if the seed is in containers and in

quantities of twenty thousand pounds or more, (ii) this fact is so stated on the attached labels if the seed is in containers and in quantities less than twenty thousand pounds, and (iii) any such seed later to be labeled as to origin and/or variety shall be labeled as to origin and/or variety in accordance with rules and regulations prescribed under section 402 of this Act.

(c) When the Secretary of Agriculture finds that, because of the time interval between seed harvesting and sowing, or because of an emergency beyond human control, the information required by this Act as to the germination, and hard seed of certain kinds of seeds, cannot be given prior to transportation or delivery for transportation in interstate commerce, he may promulgate, with or without a hearing, rules and regulations providing that the provisions of section 201 (a) and (b) as to the required labeling for germination and hard seed shall not apply for such period and to such kinds of seed as he may specify in his said rules and regulations.

(d) [The provisions of section 201 (a) and (b) relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or variety or type of seeds shall not be deemed violated if there be other seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce, provided that the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken all proper precautions to insure the identity to be that stated.] *The provisions of section 201 (a) and (b) relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or kind and variety of seeds shall not be deemed violated if there are seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce: Provided, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the seeds to be that stated.*

(e) *The provisions of section 201 (i) relative to the labeling of agricultural and vegetable seeds with the name of any substance used in the treatment of seeds shall not be deemed violated if the substance or substances used in such treatment could not be or were not identified because of their indistinguishability from the substance or substances intended to be used in the treatment of the seeds: Provided, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the substance or substances to be as stated.*

* * * * *

TITLE III.—FOREIGN COMMERCE

PROHIBITIONS AND PROCEDURES RELATING TO IMPORTATIONS

SEC. 301. (a) The importation into the United States is prohibited of—

(1) any seed containing 10 per centum or more of any agricultural or vegetable seeds if any such seed is adulterated or unfit for seeding purposes, or is required to be stained and is not so stained, under the terms of this title, or the labeling of which is false or misleading in any respect;

(2) screenings of any seeds subject to title III of this Act (except that this shall not apply to screenings of wheat, oats, rye, barley, buckwheat, field corn, sorghum, broomcorn, flax, millet, proso, soybeans, cowpeas, field peas, or field beans, which are not imported for seeding purposes and are declared for cleaning, processing, or manufacturing purposes, and not for seeding purposes);

(3) any seed containing 10 per centum or more of the seeds of alfalfa or red clover, which has been stained prior to being offered for entry in a manner that does not permit compliance with the provisions of this title and the regulations made and promulgated thereunder;

(4) [any seed containing 10 per centum or more of any vegetable seeds unless the invoice pertaining to such seed and any other labeling of such seed bear the name of each kind and variety of vegetable seed present.] *any seed containing 10 per centum or more of any agricultural or vegetable seeds, unless the invoice pertaining to such seed and any other labeling of such seed bear a lot identification and the name of each kind and variety of vegetable seed present in any amount and each kind or kind and variety of agricultural seed present in excess of 5 per centum of the whole, and unless in the case of hybrid seed present in excess of 5 per centum of the whole it is designated as hybrid.*

(5) *any agricultural seeds or any mixture thereof, or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:*

(A) *A word or statement indicating that the seeds have been treated;*

(B) *The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;*

(C) *If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as "Do not use for food or feed or oil purposes": Provided, That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as "This seed has been treated with POISON", in red letters on a background of distinctly contrasting color; and*

(D) *A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment.*

SEC. 302. (a) The Secretary of the Treasury shall deliver to the Secretary of Agriculture, subject to joint rules and regulations prescribed under section 402 of this Act, samples of seed and screenings which are being imported into the United States, or offered for import, giving notice thereof to the owner or consignee, and if it appears from the examination of such samples that any seed or screenings offered to be imported into the United States are subject to the provisions of this title and do not comply with the provisions of this title, or if the labeling of such seed is false or misleading in any respect, such seed or screenings shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the owner or consignee, who may appear, however, before the Secretary of Agriculture and show cause why the seed or screenings should be admitted. *The Secretary of Agriculture may apply statistical sampling and inspection techniques to said samples and screenings to determine whether the pure-live seed requirement of any kind of seed is being met, in which case, he shall advise the importer of each lot of seed not examined for pure-live seed percentage.* Seed or screenings refused admission and not exported by the owner or consignee within twelve months from the date of notice of such refusal shall be destroyed in accordance with joint rules and regulations prescribed under section 402 of this Act: *Provided, That the Secretary of the Treasury may authorize the delivery of seed or screenings which are being imported or offered for import to the owner or consignee thereof, pending decision as to the admission of such seed or screenings and for staining, cleaning, labeling, or other reconditioning if required to bring such seed or screenings into compliance with the provisions of this Act, upon the execution by such owner or consignee of a good and sufficient bond conditioned upon redelivery of the seed or screenings upon demand unless redelivery is waived because the seed is reconditioned to bring it into compliance with this Act or is destroyed under Government supervision under this Act, and providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury: And provided further, That all expenses incurred by the United States (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the supervision of staining, cleaning, labeling, other reconditioning, or destruction, of seed or screenings under this title shall be reimbursed to the United States by the owner or consignee of the seed or screenings, and such reimbursements shall be recredited to the appropriation from which the expenses were paid, the amount of such expenses to be determined in accordance with joint regulations under section 402 of this Act, and all expenses in connection with the storage, cartage, and labor on the seed or screenings which are refused admission or delivery, shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against future importations made by such owner or consignee.*

(b) The refuse from any seeds or screenings which are allowed to be cleaned under bond shall be destroyed in accordance with joint rules and regulations prescribed under section 402 of this Act.

(c) The provisions of this title shall not apply—

(1) when seed is shipped in bond through the United States, or

(2) when the Secretary of Agriculture finds that a substantial proportion of the importations of any kind of seed is used for other than seeding purposes, and he provides by rules and regulations that seed of such kind not imported for seeding purposes shall be exempted from the provisions of the Act: *Provided*, That importations of such kinds of seed shall be accompanied by a declaration setting forth the use for which imported when and as required under joint rules and regulations prescribed under section 402 of this Act.

(d) The provisions of this title prohibiting the importation of seed that is adulterated or unfit for seeding purposes shall not apply—

(1) when seed grown in the United States is returned from a foreign country without having been admitted into the commerce of any foreign country: *Provided*, That there is satisfactory proof as provided for in the joint rules and regulations prescribed under section 402 of this Act, that the seed was grown in the United States and was not admitted into the commerce of a foreign country and was not commingled with other seed, or

(2) when seed is imported for sowing for experimental or breeding purposes and not for sale: *Provided*, That declarations are filed, and importations are limited in quantity, as provided for in the rules and regulations prescribed under section 402 of this Act, to assure that the importations are for experimental or breeding purposes.

(3) *when seed not meeting the pure-live seed requirements of section 304 of this title will not be sold within the United States and will be used for seed production only by or for the importer or consignee: Provided, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee.*

(e) *The provisions of this title requiring certain seeds to be stained shall not apply when such seed will not be sold within the United States and will be used for seed production only by or for the importer or consignee: Provided, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee.*

* * * * *

SEED UNFIT FOR SEEDING PURPOSES

[SEC. 304. Seed subject to the provisions of section 301 is unfit for seeding purposes—

[(a) If any such seed contains noxious-weed seed at a rate in excess of—

[(1) one noxious-weed seed in each ten grams of the seed of timothy, orchard grass, brome grass, crested wheatgrass, slender wheatgrass, ryegrass, sweetclover, alfalfa, millet, rape, flax, clovers, and species of *Agrostis*, *Festuca*, or *Poa*, or any kind of seed of a size and weight similar to or less than those named;

[(2) one noxious-weed seed in each twenty-five grams of the seed of sorghum, Sudan grass, and buckwheat, or any kind of seed of a size and weight greater than the seeds referred to in (a)(1) but less than seeds referred to in (a)(3) of this section;

[(3) one noxious-weed seed in each one hundred grams of the seed of wheat, oats, rye, barley, vetches, and corn, or any seed of a size and weight similar to or greater than such seed.

[(b) If any such seed contains more than 2 per centum by weight of weed seeds; or

[(c) If any such seed contains less than 75 per centum of pure, live seed, or if any component of such seed present to the extent of 10 per centum or more contains less than 75 per centum of live seed: *Provided*, That when the Secretary of Agriculture shall find that any such seed or any kind of seed present to the extent of 10 per centum or more cannot be produced to contain 75 per centum of pure, live seed, he may set up such standard from time to time for pure, live seed as he finds can be produced.]

SEC. 304. Seed subject to the provisions of section 301 is unfit for seeding purposes: (a) if any such seed contains noxious-weed seeds, or (b) if any such seed contains more than 2 per centum by weight of weed seeds, or (c) if any such seed contains less than 75 per centum of pure-live seed, or if any component of such seed present to the extent of 10 per centum or more contains less than 75 per centum of live seed: Provided, That when the Secretary of Agriculture shall find that any such seed or any kind of seed present to the extent of 10 per centum or more cannot be produced to contain 75 per centum of pure-live seed, he may set up such standards from time to time for pure-live seed as he finds can be produced and seed conforming to such standards shall not be deemed to be unfit for seeding purposes.

* * * * *



Calendar No. 1599

89TH CONGRESS
2D SESSION

H. R. 15662

[Report No. 1632]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 1966

Read twice and referred to the Committee on Agriculture and Forestry

SEPTEMBER 22, 1966

Reported by Mr. JORDAN of North Carolina, with amendments

AN ACT

To amend the Federal Seed Act (53 Stat. 1275), as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That sections 101 (a) (1), 101 (a) (8) (A) (ii), 101 (a)
4 (9) (A) (ii), and 101 (a) (10) of the Federal Seed Act
5 (53 Stat. 1275, 1277, 1278; 70 Stat. 908, 7 U.S.C. 1561
6 (a) (1), 1561 (a) (8) (A) (ii), 1561 (a) (9) (A) (ii), and
7 1561 (a) (10)) are hereby amended by deleting therefrom
8 the words "Alaska" and "Hawaii" and the commas appear-
9 ing after such words.

1 SEC. 2. Section 101 (a) (7) (A) of said Act (53 Stat.
2 1276; 72 Stat. 476, 7 U.S.C. 1561 (a) (7) (A)) is amended
3 to read as follows:

4 “(A) ‘Agricultural seeds’ shall mean grass, forage, and
5 field crop seeds which the Secretary of Agriculture finds are
6 used for seeding purposes in the United States and which
7 he lists in the rules and regulations prescribed under section
8 402 of this Act.”

9 SEC. 3. Section 101 (a) (11) of said Act (53 Stat.
10 1278; 7 U.S.C. 1561 (a) (11)) is amended by substituting
11 for the words “wheat”, “oats”, “vetch”, and “sweetclover”
12 the words “soybean”, “flax”, “carrot”, and “radish.”

13 SEC. 4. Section 201 (a) of said Act (53 Stat. 1279; 7
14 U.S.C. 1571 (a)) is amended by changing the introductory
15 portion thereof to read as follows:

16 “(a) Any agricultural seeds or any mixture of agricul-
17 tural seeds for seeding purposes, unless each container bears
18 a label giving the following information, except as provided
19 in paragraph (j) of this section ~~of~~ *for* seed mixtures intended
20 for lawn and turf purposes, in accordance with rules and
21 regulations prescribed under section 402 of this Act:”

22 SEC. 5. Section 201 (a) (1) of said Act (53 Stat. 1279;
23 7 U.S.C. 1571 (a) (1)) is amended to read as follows:

1 “(1) The name of the kind or kind and variety for
 2 each agricultural seed component present in excess of 5 per
 3 centum of the whole and the percentage by weight of each:
 4 *Provided*, That if any such component is one which the
 5 Secretary of Agriculture has determined, in rules and regula-
 6 tions prescribed under section 402 of this Act, is generally
 7 labeled as to variety, the label shall bear, in addition to the
 8 name of the kind, either the name of such variety or the
 9 statement ‘Variety Not ~~Stated~~:’ *Stated*: And provided fur-
 10 ther, That in the case of any such component which is a
 11 hybrid seed it shall, in addition to the above requirements, be
 12 designated as hybrid on the ~~label~~.’ *label*;

13 SEC. 6. Section 201 (a) of said Act (53 Stat. 1279;
 14 7 U.S.C. 1571 (a)) is amended by adding at the end thereof
 15 a new paragraph (10), to read as follows:

16 “(10) The year and month beyond which an inoculant,
 17 if shown in the labeling, is no longer claimed to be
 18 effective.”

19 SEC. 7. Section 201 (b) of said Act (53 Stat. 1280,
 20 72 Stat. 476; 7 U.S.C. ~~1571(B)~~ 1571(b)) is amended to
 21 read as follows:

22 “(b) Any vegetable seeds, for seeding purposes, in
 23 containers, unless each container bears a label giving the

1 following information in accordance with rules and regula-
2 tions prescribed under section 402 of this Act:

3 “(1) For containers of one pound or less of seed that
4 germinates equal to or above the standard last established
5 by the Secretary of Agriculture, as provided under section
6 403 (c) of this Act—

7 “(A) The name of each kind and variety of seed,
8 and if two or more kinds or varieties are present, the
9 percentage of each, and further, that in the case of any
10 such component which is a hybrid seed, it shall be desig-
11 nated as hybrid on the label; and

12 “(B) Name and address of—

13 “(i) ~~The~~ *the* person who transports, or delivers
14 for transportation, said seed in interstate commerce;
15 or

16 “(ii) the person to whom the seed is sold or
17 shipped for resale, together with a code designation
18 approved by the Secretary of Agriculture under
19 rules and regulations prescribed under section 402
20 of this Act, indicating the person who transports
21 or delivers for transportation said seed in interstate
22 commerce;

23 “(2) For containers of one pound or less of seed that
24 germinates less than the standard last established by the

1 Secretary of Agriculture, as provided under section 403 (c)
2 of this Act—

3 “(A) The name of each kind and variety of seed,
4 and if two or more kinds or varieties are present, the
5 percentage of each, and further, that in the case of any
6 such component which is a hybrid seed, it shall be design-
7 nated as hybrid on the label; and

8 “(B) For each named kind and variety of seed—

9 “(i) the percentage of germination, exclusive
10 of hard seed;

11 “(ii) the percentage of hard seed, if present;

12 “(iii) the calendar month and year the test
13 was completed to determine such percentages;

14 “(iv) the words ‘Below Standard’; and

15 “(C) Name and address of—

16 “(i) the person who transports, or delivers
17 for transportation, said seed in interstate com-
18 merce; or

19 “(ii) the person to whom the seed is sold or
20 shipped for resale, together with a code designation
21 approved by the Secretary of Agriculture under
22 rules and regulations prescribed under section 402
23 of this Act, indicating the person who transports

1 or delivers for transportation said seed in interstate
2 commerce.

3 “(3) For containers of more than one pound of seed—

4 “(A) The name of each kind and variety of seed,
5 and if two or more kinds or varieties are present, the
6 percentage of each and, further, that in the case of any
7 such component which is a hybrid seed, it shall be desig-
8 nated as hybrid on the label;

9 “(B) Lot number or other lot identification;

10 “(C) For each named kind and variety of seed—

11 “(i) the percentage of germination, exclusive
12 of hard seed;

13 “(ii) the percentage of hard seed, if present;

14 “(iii) the calendar month and year the test
15 was completed to determine such percentages; and

16 “(D) Name and address of—

17 “(i) the person who transports, or delivers for
18 transportation, said seed in interstate commerce; or

19 “(ii) the person to whom the seed is sold or
20 shipped for resale, together with a code designation
21 approved by the Secretary of Agriculture under
22 rules and regulations prescribed under section 402
23 of this Act, indicating the person who transports or
24 delivers for transportation said seed in interstate
25 commerce.”

1 SEC. 8. Clause (b) of section 201 (c) of said Act (53
2 Stat. 1280; 7 U.S.C. 1571 (c)) is amended to read as
3 follows:

4 “(b) a longer period for any kind of agricultural or
5 vegetable seed which is packaged in such container ma-
6 terials and under such other conditions prescribed by the
7 Secretary of Agriculture as he finds will, during such longer
8 period, maintain the viability of said seed under ordinary
9 conditions of handling.”

10 SEC. 9. Section 201 (i) (4) of said Act (72 Stat. 477;
11 7 U.S.C. 1571 (i) (4)) is amended to read as follows:

12 “(4) A description, approved by the Secretary of
13 Agriculture as adequate for the protection of the public,
14 of any process used in such treatment.”

15 SEC. 10. Section 201 of said Act (53 Stat. 1279; 7
16 U.S.C. 1571) is amended by adding at the end thereof
17 a new subsection (j) to read as follows:

18 “(j) Any agricultural seed mixtures intended for lawn
19 and turf seed purposes, in containers of fifty pounds or less,
20 unless each container thereof bears a label giving the follow-
21 ing information and statements in accordance with rules
22 and regulations prescribed under section 402 of this Act:

23 “(1) The headings ‘Fine-textured Grasses’ and ‘Coarse
24 Kinds’, and specified in tabular form thereunder in type no

1 larger than the headings, for each lawn and turf seed com-
 2 ponent present in excess of 5 per centum of the whole or
 3 named on the label:

4 “(i) the name of the kind, or kind and variety,

5 “(ii) the percentage by weight of each, in order of
 6 its predominance under the appropriate heading re-
 7 quired above,

8 “(iii) the percentage of germination of each, ex-
 9 clusive of hard seed,

10 “(iv) the percentage of hard seed, if present, and

11 “(v) the calendar month and year the test was
 12 completed to determine such percentages.

13 “(2) The heading ‘Other Ingredients’, and specified
 14 thereunder in type no larger than the heading the following
 15 information:

16 “(A) Percentage by weight of weed seeds, includ-
 17 ing ~~noxious weed~~ *noxious-weed* seeds;

18 “(B) Percentage by weight of agricultural seeds
 19 other than those included under paragraph (1) of this
 20 subsection;

21 “(C) Percentage by weight of inert matter.

22 “(3) The following additional information:

23 “(A) Lot number or other identification;

24 “(B) Kinds of noxious-weed seeds and the rate of
 25 occurrence of each, which rate shall be expressed in

1 accordance with and shall not exceed the rate allowed
2 for shipment, movement, or sale of such noxious-weed
3 seeds by the law and regulations of the State into which
4 the seed is offered for transportation or transported,
5 or in accordance with the rules and regulations of the
6 Secretary of Agriculture, when under the provisions of
7 section 101 (a) (9) (A) (iii) he shall determine that
8 weeds other than those designated by State requirements
9 are noxious;

10 “(C) Name and address of—

11 “(i) the person who transports, or delivers for
12 transportation, said seed in interstate commerce, or

13 “(ii) the person to whom the seed is sold or
14 shipped for resale, together with a code designation
15 approved by the Secretary of Agriculture under
16 rules and regulations prescribed under section 402
17 of this Act, indicating the person who transports
18 or delivers for transportation said seed in interstate
19 commerce.”

20 SEC. 11. Section 202 of said Act (53 Stat. 1281, 72
21 Stat. 477; 7 U.S.C. 1572) is amended by inserting the
22 word “treatment” followed by a comma immediately pre-
23 ceding the word “germination” wherever said word appears
24 in said section.

1 SEC. 12. (a) Section 203 (d) of said Act (53 Stat.
2 1282; 7 U.S.C. 1573 (d)) is amended o read as follows:

3 “(d) The provisions of sections 201 (a) and (b)
4 relative to the labeling of agricultural and vegetable seeds
5 with the percentages of the kind or kind and variety of
6 seeds shall not be deemed violated if there are seeds in
7 the container or bulk which could not be, or were not,
8 identified because of their indistinguishability in appearance
9 from the seeds intended to be transported or delivered for
10 transportation in interstate commerce: *Provided*, That the
11 records of the person charged with the duty under said
12 section of labeling or invoicing the seeds, kept in accord-
13 ance with the rules and regulations of the Secretary of
14 Agriculture, together with other pertinent facts, disclose
15 that said person has taken reasonable precautions to insure
16 the identity of the seeds to be that stated.

17 ~~“(b)~~(b) Section 203 of said Act is amended by adding
18 at the end thereof a new subsection (e) reading as follows:

19 ~~“(e)~~ “(e) The provisions of section 201 (i) relative to
20 the labeling of agricultural and vegetable seeds with the name
21 of any substance used in the treatment of seeds shall not be
22 deemed violated if the substance or substances used in such
23 treatment could not be or were not identified because of their
24 indistinguishability from the substance or substances intended
25 to be used in the treatment of the seeds: *Provided*, That the

1 records of the person charged with the duty under said sec-
2 tion of labeling or invoicing the seeds, kept in accordance
3 with the rules and regulations of the Secretary of Agricul-
4 ture, together with other pertinent facts, disclosed that said
5 person has taken reasonable precautions to insure the identity
6 of the substance or substances to be as ~~stated.~~ *stated.*"

7 SEC. 13. Section 301 (a) (4) of said Act (72 Stat.
8 478; 7 U.S.C. 1581 (a) (4)) is amended to read as follows:

9 " (4) ~~Any~~ *any* seed containing 10 per centum or more of
10 any agricultural or vegetable seeds, unless the invoice per-
11 taining to such seed and any other labeling of such seed bear
12 a lot identification and the name of each kind and variety of
13 vegetable seed present in any amount and each kind or kind
14 and variety of agricultural seed present in excess of 5 per
15 centum of the whole, and unless in the case of hybrid seed
16 present in excess of 5 per centum of the whole it is designated
17 as hybrid."

18 SEC. 14. Section 301 (a) of said Act (53 Stat. 1282;
19 7 U.S.C. 1581 (a)) is further amended by adding at the
20 end thereof a new paragraph (5) to read as follows:

21 " (5) ~~Any~~ *any* agricultural seeds or any mixture thereof,
22 or any vegetable seeds or any mixture thereof, for seeding
23 purposes, that have been treated, unless each container
24 thereof bears a label giving the following information and

1 statements in accordance with rules and regulations pre-
2 scribed under section 402 of this Act:

3 “(A) A word or statement indicating that the
4 seeds have been treated;

5 “(B) The commonly accepted coined, chemical
6 (generic), or abbreviated chemical name of any sub-
7 stance used in such treatment;

8 “(C) If the substance used in such treatment in
9 the amount remaining with the seeds is harmful to
10 humans or other vertebrate animals, an appropriate
11 caution statement approved by the Secretary of Agri-
12 culture as adequate for the protection of the public,
13 such as ‘Do not use for food or feed or oil purposes’:
14 *Provided*, That the caution statement for mercurials and
15 similarly toxic substances, as defined in said rules and
16 regulations, shall be a representation of a skull and cross-
17 bones and a statement such as ‘This seed has been treated
18 with POISON’, in red letters on a background of dis-
19 tinctly contrasting color; and

20 “(D) A description, approved by the Secretary of
21 Agriculture as adequate for the protection of the public,
22 of any process used in such treatment.”

1 SEC. 15. Section 302 (a) of said Act (53 Stat. 1283,
2 72 Stat. 478; 7 U.S.C. 1582 (a)) is amended by inserting
3 after the first sentence thereof the following sentence:

4 “The Secretary of Agriculture may apply statistical
5 sampling and inspection techniques to said samples and
6 screenings to determine whether the pure-live seed require-
7 ment of any kind of seed is being met, in which case, he shall
8 advise the importer of each lot of seed not examined for
9 pure-live seed percentage.”

10 SEC. 16. Section 302 (d) of the Act (72 Stat. 479;
11 7 U.S.C. 1582 (d)) is amended by adding at the end
12 thereof a new paragraph (3) reading as follows:

13 “(3) when seed not meeting the pure-live seed
14 requirements of section 304 of this title will not be sold
15 within the United States and will be used for seed
16 production only by or for the importer or consignee:
17 *Provided*, That the importer of record or consignee
18 files a statement in accordance with the rules and regu-
19 lations prescribed under section 402 of this Act certify-
20 ing that such seed will be used only for seed production
21 by or for the importer or consignee.”

22 SEC. 17. Section 302 of said Act (53 Stat. 1283, 72

1 Stat. 479, 7 U.S.C. 1582) is further amended by adding
2 at the end thereof a new paragraph (e) reading as follows:

3 “(e) The provisions of this title requiring certain seeds
4 to be stained shall not apply when such seed will not be
5 sold within the United States and will be used for seed pro-
6 duction only by or for the importer or consignee: *Provided*,
7 That the importer of record or consignee files a statement in
8 accordance with the rules and regulations prescribed under
9 section 402 of this Act certifying that such seed will be used
10 only for seed production by or for the importer or consignee.”

11 SEC. 18. Section 304 of said Act (53 Stat. 1284, 7
12 U.S.C. 1584) is amended to read as follows:

13 “SEC. 304. Seed subject to the provisions of section 301
14 is unfit for seeding purposes: (a) if any such seed contains
15 noxious-weed seeds, or (b) if any such seed contains more
16 than 2 per centum by weight of weed seeds, or (c) if any
17 such seed contains less than 75 per centum of pure-live seed,
18 or if any component of such seed present to the extent of 10
19 per centum or more contains less than 75 per centum of
20 pure-live seed: *Provided*, That when the Secretary of Agri-
21 culture shall find that any such seed or any kind of seed
22 present to the extent of 10 per centum or more cannot be
23 produced to contain 75 per centum of pure-live seed, he
24 may set up such standards from time to time for pure-live
25 seed as he finds can be produced and seed conforming to such

1 standards shall not be deemed to be unfit for seeding
2 purposes.”

3 SEC. 19. Section 101 (a) (4) of said Act (53, Stat.
4 1275, 7 U.S.C. 1561 (a) (4)) is amended by inserting the
5 word “treatment,” before the word “variety”.

Passed the House of Representatives September 19, 1966.

Attest:

RALPH R. ROBERTS,

Clerk.

Calendar No. 1599

89TH CONGRESS
2^D SESSION

H. R. 15662

[Report No. 1632]

AN ACT

To amend the Federal Seed Act (53 Stat. 1275),
as amended.

SEPTEMBER 20, 1966

Read twice and referred to the Committee on
Agriculture and Forestry

SEPTEMBER 22, 1966

Reported with amendments



DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
(NOT TO BE QUOTED OR CITED)

Issued Sept. 27, 1966
For actions of Sept. 26, 1966
89th-2nd; No. 162

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HIGHLIGHTS: Conferees reported food-for-freedom bill. House debated poverty bill. House committee reported investment-tax bill, and Rep. Langen asked exemption of farmers. House committees reported packaging-labeling bill, continuing-appropriations measure, and analysis of CCC corn marketing. Senate passed bill to revise Federal Seed Act. Senate passed bill to permit prepayments of FHA loans.

HOUSE

1. **FOOD FOR FREEDOM.** Received the conference report on H. R. 14929, the food-for-freedom bill (H. Rept. 2075). The conferees changed the short title of the bill to "Food for Peace Act of 1966" instead of "Food for Freedom" as in the House version. However, this does not change the title of the basic legislation, which remains "Agricultural Trade Development and Assistance Act of 1954." pp. 22833-40

2. POVERTY. Began debate on H. R. 15111, to provide for continuation of the war on poverty. pp. 22803-33
3. TAXATION. The Ways and Means Committee reported with amendment H. R. 17607, to suspend the investment credit and the allowance of accelerated depreciation in the case of certain real property (H. Rept. 2087) (p. 22854). Rep. Langen recommended exemption of farmers from this bill (p. 22843).
4. TARIFF. Rep. Curtis inserted a "progress report" on Kennedy round tariff negotiations. pp. 22843-5
5. POLITICAL ACTIVITIES. Rep. Ashbrook gave answers to questions as to actions which Federal employees are permitted to take under the Hatch Political Activities Act. p. 22845
6. DEMONSTRATION CITIES; EDUCATION; WATER POLLUTION. The Rules Committee reported a resolution for consideration of S. 3708, the demonstration cities bill; H. R. 13161, to strengthen and improve education in elementary and secondary schools; and H. R. 16076, to improve and make more effective the Federal Water Pollution Control Act. p. 22854
7. PACKAGING; LABELING. The Interstate and Foreign Commerce Committee reported with amendment H. R. 15440, the fair packaging and labeling bill (H. Rept. 2076). p. 22854
8. BANKING. The Banking and Currency Committee reported with amendment H. R. 17899, to strengthen the regulatory and supervisory authority of Federal agencies over insured banks and insured savings and loans associations, to increase the maximum amount of insured accounts or deposits, etc. (H. Rept. 2077). p. 22854
The Banking and Currency Committee reported S. 1556, to authorize the Federal Reserve Board to delegate certain of its functions (H. Rept. 2079). p. 22854
9. APPROPRIATIONS. The Appropriations Committee reported H. J. Res. 1308, making continuing appropriations for the fiscal year 1967 (H. Rept. 2078). p. 22854
10. CCC CORN. The Small Business Committee submitted a report, "The Effect of Corn Marketing by the Commodity Credit Corporation Upon Small Business" (H. Rept. 2082). p. 22854

SENATE

11. SEEDS. Passed as reported H. R. 15662, to revise the Federal Seed Act. p. 22858
12. LOANS. Passed without amendment H. R. 15510, to authorize the Secretary of Agriculture to hold prepayments made to the Department by insured loan borrowers on Farmers Home Administration loans and transmit them to the holders of the notes in installments. This bill will now be sent to the President. pp. 22858-9
13. LABOR-HEW APPROPRIATION BILL. Began debate on this bill, H. R. 14745. pp. 22857, 22889-902

board of trustees of Trinity College of Washington, D.C.; and

H.J. Res. 688. Joint resolution to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 11555. An act to provide a border highway along the United States bank of the Rio Grande River in connection with the settlement of the Chamizal boundary dispute between the United States and Mexico; to the Committee on Public Works.

H.R. 17195. An act to amend titles 10, 14, 32, and 37, United States Code, to strengthen the reserve components of the armed forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. 2138. A bill to consent to an agreement between the State of Minnesota and the Province of Manitoba, Canada, providing for an access highway to the Northwest Angle in the State of Minnesota, and to authorize the Secretary of Commerce to pay Minnesota's share of the cost of such highway (Rept. No. 1655); and

S. 3247. A bill to provide certain increases in annuities payable from the Foreign Service Retirement and Disability Fund, and for other purposes (Rept. No. 1656).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN (for Mr. MORTON and Mr. ERVIN):

S. 3857. A bill to amend section 334(b) of the Internal Revenue Code of 1954 relating to the basis of property received by a corporation upon liquidation of a subsidiary; to the Committee on Finance.

By Mr. RIBICOFF:

S. 3858. A bill to amend the Social Security Act to extend certain temporary provisions and to require provision of assistance under plans for aid to families with dependent children where dependency is due to unemployment of a parent; to the Committee on Finance.

(See the remarks of Mr. RIBICOFF when he introduced the above bill, which appear under a separate heading.)

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. JAVITS:

Address delivered by William S. Vaughn, president of the Eastman Kodak Co., to the National Association of Photographic Manu-

facturers, on September 9, 1966, at Washington, D.C.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

AMENDMENT OF SOCIAL SECURITY ACT, RELATING TO AID TO CERTAIN FAMILIES WITH NEEDY CHILDREN

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, a bill to amend the Social Security Act. The bill consists of two amendments to the public assistance programs of the act.

The first amendment provides for a 5-year extension of the provisions of the Public Welfare Amendments of 1962. Under existing law these amendments expire on June 30, 1967. My amendment would extend these provisions until June 30, 1972.

The second amendment provides that the provisions in the law for assistance to the needy children of unemployed parents, must be included in each State plan for aid to families with dependent children. Under the existing law, a State may elect to provide assistance to children where a parent is dead, disabled, or absent from the home, or where the parent is unemployed. A number of States and the Congress acting for the District of Columbia, have not taken advantage of the 1962 provision to extend aid to the needy children of unemployed parents. My amendment provides that every State, and the District of Columbia, must put into operation by July 1, 1969, the program for aiding needy children, where the parent is unemployed.

This will enable ample and serious consideration to be given to the problem of aid to needy children when we consider the extension of the Public Welfare Amendments of 1962.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 858) to amend the Social Security Act to extend certain temporary provisions and to require provision of assistance under plans for aid to families with dependent children where dependency is due to unemployment of a parent introduced by Mr. RIBICOFF, was received, read twice by its title, and referred to the Committee on Finance.

TROOP DEPLOYMENT IN EUROPE—AMENDMENTS

AMENDMENT NO 934

Mr. CLARK submitted amendments, intended to be proposed by him, to the resolution (S. Res. 300) to express the sense of the Senate with respect to troop deployment in Europe, which were ordered to lie on the table and to be printed.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1967—AMENDMENT

AMENDMENT NO. 935

Mr. LAUSCHE. Mr. President, I submit an amendment intended to be proposed by me to H.R. 14745, the bill making appropriations for the Department of Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1967, and for other purposes which is now before the Senate.

The President's budget for the Department of Health, Education, and Welfare recommended \$10,083,184,500. The Senate Committee on Appropriations, in its consideration of H.R. 14745, appropriated \$10,473,309,500, which is an increase of \$390,125,000 over the President's recommendation. My amendment, if adopted, will reduce the moneys sought to be appropriated in the bill to substantially what the President recommended in his budget. The amount of the reduction would be \$426,164,000.

The important discussion among the people of the Nation, the Members of Congress, and the President's Cabinet deals with the subject of inflation. The thinking is uniform that to curb the growth of the forces of inflation, the first place to start is by a reduction of Federal spending. The bill before the Senate fails to give heed to the aforementioned principle, but even makes things worse by increasing the amount of spending recommended by the President.

I ask that the amendment be printed and lie at the desk.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and will lie on the table.

ADDITIONAL COSPONSOR OF BILL

Mr. CARLSON. Mr. President, I ask unanimous consent that, at its next printing, the name of my colleague, the junior Senator from Kansas [Mr. PEARSON] be added as a cosponsor of the bill (S. 3854) to provide for the issuance of a special postage stamp in commemoration of Dr. William C. Menninger for his pioneering work in the field of mental health.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSIONS

On request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nomination on the Executive Calendar will be stated.

DIRECTOR OF THE MINT

The legislative clerk read the nomination of Eva B. Adams, of Nevada, to be Director of the Mint for a term of 5 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

CORRECTION OF THE RECORD

Mr. DIRKSEN. Mr. President, in the CONGRESSIONAL RECORD for September 19, 1966, on page 22148, at the bottom of column 2, it reads "George Washington was inaugurated as our first President on September 24, 1789." This should read "April 30, 1789" and I ask that the permanent RECORD be corrected accordingly.

The ACTING PRESIDENT pro tempore. The correction will be made.

CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consideration of measures on the calendar, beginning with Calendar No. 1599 and the succeeding measures in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MODERNIZATION OF THE FEDERAL SEED ACT

The Senate proceeded to consider the bill (H.R. 15662) to amend the Federal Seed Act (53 Stat. 1275) as amended which had been reported from the Committee on Agriculture and Forestry with amendments on page 2, line 19, after the word "section", to strike out "of" and insert "for"; on page 3, line 9, after the word "Not", to strike out "Stated:" and insert "Stated:,"; in line 12, after the word "the", to strike out "label." and insert "label;"; in line 20, after "U.S.C.", to strike out "1571 (B)" and insert "1571 (b)"; on page 4, line 13, after "(i)", to strike out "The" and insert "the"; on page 8, line 17, after the word "including", to strike out "noxious weed" and insert "noxious-weed"; on page 10, line 1, after "Sec. 12.", to insert "(a)"; at the beginning of line 17, to strike out "(b)" and insert "(b)"; at the beginning of line 19, to strike out "(c)" and insert "(e)"; on page 11, line 6, after the word

"as", to strike out "stated." and insert "stated."; in line 9, after "(4)", to strike out "Any" and insert "any"; in line 21, after "(5)", to strike out "Any" and insert "any"; on page 14, at the beginning of line 20, to strike out "pure"; and, in line 24, after the word "time", to insert "to time".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1632), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

This bill would simplify, modernize, and otherwise improve the Federal Seed Act.

It would—

(1) Delete specific references to Alaska and Hawaii, since they are now States;

(2) Delete a long statutory list of agricultural seeds which has been superseded by regulations authorized by law;

(3) Substitute "soybeans", "flax", "carrot" and "radish" (which represent single species) for "wheat", "oat", "vetch", and "sweet-clover" (which represent more than one species) as examples of names of kinds of seed, since the use of wheat, oat, vetch, and sweetclover as examples prevents the Secretary from requiring separate kind names for each of the species represented by those names;

(4) Require agricultural seed generally labeled as to variety either to be so labeled or to be labeled so as to make it clear that the variety is not stated on the label;

(5) Require hybrid agricultural or vegetable seed (except lawn and turf mixtures in containers of 50 pounds or less) to be labeled as hybrid, since hybrid seed will not ordinarily produce seed suitable for planting;

(6) Require inoculated seed to be labeled as to the date the inoculant is no longer claimed effective;

(7) In the case of containers of more than 1 pound, remove the requirement that seed of below standard germination bear the words "below standard," since purchasers in that quantity understand the actual germination data shown;

(8) Remove the 9-month limit on the expanded period the Secretary may allow between germination test and introduction into commerce, since new packaging provides longer viability;

(9) Permit lawn and turf mixture in containers of 50 pounds or less to omit statements concerning germination of other agricultural seed components and origin, since these are not significant to lawn and turf seed purchasers;

(10) Include seed treatment among the items on which records must be kept so that compliance can be determined;

(11) Provide for "reasonable" instead of "all proper" precautions being taken to insure proper identification of certain seeds (not considered a material change);

(12) Provide that seed would not be deemed mislabeled as to treatment if the substance used was indistinguishable from the substance intended to be used. This provision is intended to protect not only persons treating the seed, but also purchasers who relabel and are unable to distinguish the treated seed from seed treated with the substance shown by the label;

(13) Require imported seed to be labeled

as to each 5 percent component of agricultural seed, and to designate as hybrid each 5 percent hybrid component;

(14) Require imported seed that has been treated to show the same information as to treatment required of seed in interstate commerce;

(15) Permit selective (rather than universal) testing of imported seed for pure live seed content, so as to avoid delays in importation. (The importer may, at his cost, have any lot tested. All seed in interstate commerce must be correctly labeled, so the general public is protected.);

(16) Permit importation of seed not meeting pure live seed, or staining, requirements, where it is to be used only for seed production by or for the importer;

(17) Repeal the statutory tolerances on noxious-weed seeds in imported seed, since tolerances are also provided in the testing operation, resulting in a double tolerance at the present time; and

(18) Amend the definition of interstate commerce to apply to labeling for treatment in the same manner as to labeling for variety and origin.

COMMITTEE AMENDMENTS

The committee amendments (except for the deleting "pure-" in sec. 18) correct typographical errors, punctuation, citations, and subsection designation. The deletion of "pure-" in section 18 is required because the Department has informed the committee that it is impossible to determine the pure-live seed content of a component in a mixture, there being no way of identifying the chaff and other inert matter.

AMENDMENT OF THE CONSOLIDATED FARMER'S HOME ADMINISTRATION ACT OF 1961

The bill (H.R. 15510) to amend the Consolidated Farmer's Home Administration Act of 1961 to authorize the Secretary of Agriculture to hold prepayments made to the Secretary by insured loan borrowers and transmit them to the holder of the note in installments as they become due was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1633), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill permits the Department of Agriculture, in servicing an insured loan, to hold amounts prepaid by the borrower and transmit them to the noteholder as they become due. Under existing law all prepayments must be transmitted to the noteholder not later than the first annual installment due date following their receipt.

The objective is to make the loans attractive to investors by providing for a constant predictable flow of payments. The interest accruing on any prepayment between the date it is received by the Department and the date it is transmitted to the noteholder is borne by the Government. However, this does not necessarily represent a loss to the Government since it has the use of the funds during that period.

In many instances, cumulative prepayments are sufficient to preclude any payment being required on the note for several years. Many investors object strenuously when they do not receive at least the amount of accrued interest on each installment due date. Some also object because under present reg-



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DIGEST of Congressional Proceedings

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Issued Oct. 6, 1966
For actions of Oct. 5, 1966
89th-2nd; No. 169

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HIGHLIGHTS: House agreed to Conference report on child nutrition bill. House agreed to Senate amendments to bill revising Federal Seed Act. Rep. Langen criticized Administration's farm program.

HOUSE

1. FOOD FOR PEACE. Recommitted, 306-61, to conference H. R. 14929, the food-for-peace bill, with instructions to insist on the provision restricting sales of agricultural commodities to any nation that ships equipment, materials, or commodities to Cuba or North Vietnam. pp. 24314-25
2. CHILD NUTRITION. Agreed to the conference report on S. 3467, the child nutrition bill. pp. 24313-4

3. SEEDS. Agreed to Senate amendments to H. R. 15662, to revise the Federal Seed Act. This bill will now be sent to the President. p. 24313
4. POVERTY. Conferees were appointed on H. R. 15111, to continue and change various programs under the Economic Opportunity Act. p. 24326
5. EDUCATION. Began debate on H. R. 13161, to strengthen and improve programs of assistance for elementary and secondary schools. pp. 24328-47, 24377-8
6. FARM PROGRAM. Rep. Langen reviewed various criticisms of the Administration's farm program by the Republican Policy Committee. pp. 24365-6
7. RURAL DEVELOPMENT. Rep. Moeller recommended S. 2934, the rural community development districts bill. pp. 24378-9
8. FARM CREDIT. The Banking and Currency Committee reported without amendment S. J. Res. 153, to provide for medals in commemoration of the 50th anniversary of the Federal land bank system (H. Rept. 2193). p. 24387
9. CONSUMERS. Rep. Rosenthal reviewed and requested additional actions to protect consumers. pp. 24379-81
10. PERSONNEL; POVERTY. Rep. Bob Wilson claimed the administration is "hypocritical" in vetoing the Government employees' life insurance bill, then favoring the poverty bill. p. 24364

SENATE

11. LOANS. The Agriculture and Forestry Committee reported with amendments S. 688, to extend loan eligibility to non-profit corporations for rural renewal activities (S. Rept. 1676). p. 24184
12. EDUCATION. The Labor and Public Works Committee reported with amendments H. R. 14644, the proposed Higher Education Amendments of 1966 (S. Rept. 1677). p. 24184
Began debate on S. 3046, to strengthen and improve programs of assistance for elementary and secondary schools. pp. 24244, 24255-99
The Finance Committee reported without amendment H. R. 8664, to implement the Agreement on the Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on Nov. 22, 1950 (S. Rept. 1679). p. 24184
13. TRANSPORTATION. Conferees were appointed on H. R. 15963, to establish a Department of Transportation. House conferees have been appointed. p. 24244
14. FOREIGN AID. Passed, 52-22, with amendments H. R. 17788, the foreign aid appropriation bill (pp. 24224-244). Agreed to an amendment by Sen. Ellender to reduce by \$27 million appropriations for development loans (pp. 24239-40). Conferees were appointed. House conferees have not been appointed.
15. FISH PROTEIN. Conferees were appointed on S. 2720, to authorize the Interior Department to develop practicable and economic means for production by the commercial fishing industry of fish protein concentrate. House conferees have not been appointed. pp. 24299-300

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

NATIONAL MUSEUM ACT OF 1965

Mr. JONES of Missouri. Mr. Speaker, I call up the conference report on the bill (S. 1310) relating to the National Museum of the Smithsonian Institution, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 4, 1966.)

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. JONES of Missouri. I yield to my colleague from Missouri.

Mr. HALL. Mr. Speaker, I appreciate my colleague from Missouri yielding to me. I simply have one question. As I understand the statement of the managers on the part of the House, we acceded to the original provision of paragraph (b) of section 2 of the Senate bill, S. 1310. The effect of this is to encumber a future Congress in increasing amounts as to the purpose of this continuing Smithsonian Institution authority. Is that correct?

Mr. JONES of Missouri. Well, that is perfectly correct. In other words we acceded to them to accept a limitation. Rather than \$200,000, it goes up to a maximum of \$300,000 and they would then have to come back to the Congress for reappraisal.

Mr. HALL. If the gentleman will yield further, Mr. Speaker, in this time of deficit spending, in this time of war, and in this time when the President is telling us to hold back on further expenses, to say nothing of encumbering future Congresses; will the gentleman from Missouri please tell the House in a few brief words why it was necessary to recede from the House position and accede to the Senate with respect to future expenditures in this area?

Mr. JONES of Missouri. I might say to the gentleman the reason why we did this was because we were just outvoted, to be perfectly frank with you. However, I think the limitation of \$200,000 for the first year would not have any effect on the bill itself. Of course, all of these will be subject to review by the Committee on Appropriations each year and after it has been operated for 3 years they would have to come back to the Congress for reappraisal.

Mr. HALL. Mr. Speaker, what I am worried about is not \$200,000 for fiscal year 1968 but the \$250,000 for fiscal year 1969 and the \$250,000 for fiscal year 1970 and the \$300,000 for fiscal year 1971. This is backdoor spending. I presume

that is based and predicated on the continuation of inflation and mounting Government expense as well as that of the need of the Smithsonian Institution to make long-range commitments. However, it does encumber a future Congress and, in fact, the next two Congresses, as far as these amounts are concerned. In the opinion of my colleague from Missouri, was this a worthwhile sacrifice in order to stipulate review by the committee at the end of these fiscal years?

Mr. JONES of Missouri. I might say that we had to reach some compromise on the wording of the bill or we would not have had any bill. The House version was an open-end commitment, while the Senate placed a limitation of \$200,000 per year. Our committee felt that this was a worthwhile activity and we felt there was sufficient consideration by the Congress when it does come before the Committee on Appropriations. So I think it is safeguarded in that respect.

Mr. HALL. We constantly hear about an authorizing bill not being valid when it comes before the Committee on Appropriations, but I submit that when the appropriation bill is brought up the argument is invariably advanced that the operative committee members have to appropriate, or they have to provide ways and means by some method or manner for everything that has been previously authorized by the legislative committee of the House. I hope that in the future the managers on the part of the House will not seek to encumber a future Congress whose membership might be drastically changed.

I thank the gentleman for yielding and for giving me the opportunity of making this legislative record.

Mr. JONES of Missouri. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SAVING FREEDOM AND DEMOCRACY IN VIETNAM BY DESTROYING THE WORLD

(Mr. FARBSTAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARBSTAIN. Mr. Speaker, former President Eisenhower belies his reputation as a man of moderation and caution by his apparent advocacy of the nuclear threat in Vietnam. The former Commander in Chief seems to be saying that he would risk a global holocaust to achieve our limited aims in southeast Asia. If we follow the Eisenhower dictum, it seems to me, we would be saving freedom and democracy in Vietnam by destroying the world.

Mr. Speaker, in these days when we are imploring other nations to forgo nuclear arms, Mr. Eisenhower suggests that we rattle our own weapons to strike fear in the enemies' heart. Our only hope for halting proliferation is to demonstrate just how responsible we can be in our nuclear policies. Mr. Eisenhower does this country a serious disservice by

proposing that we use our nuclear power where it suits us—and the rest of world be damned.

I condemn that viewpoint. We deserve the world's confidence only if we show we are capable of the utmost restraint in exercising our nuclear strength. I am certain our President and those others in authority will make evident to the people of this Nation and the world that the mere thought of the use of nuclear arms is repulsive to this enlightened Nation.

AMEND FEDERAL SEED ACT

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15662) to amend the Federal Seed Act (53 Stat. 1275), as amended, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 19, strike out "of" where it appears the second time and insert "for".

Page 3, line 9, strike out "Stated:" and insert "Stated:".

Page 3, line 12, strike out "label." and insert "label;".

Page 3, line 20, strike out "(1571(B))" and insert "(1571(b))".

Page 4, line 13, strike out "The" and insert "the".

Page 8, line 17, strike out "noxious weed" and insert "noxious-weed".

Page 10, line 3, after "12," insert "(a)".

Page 10, line 19, strike out "(b)" and insert "(b)".

Page 10, line 21, strike out "(e)" and insert "(e)".

Page 11, line 8, strike out "stated." and insert "stated.".

Page 11, line 11, strike out "Any" and insert "any".

Page 11, line 23, strike out "Any" and insert "any".

Page 14, line 16, strike out "pure-live" and insert "live".

Page 14, line 20, after "time" insert "to time".

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AN ACT TO AMEND THE NATIONAL SCHOOL LUNCH ACT, AS AMENDED, TO STRENGTHEN AND EXPAND FOOD SERVICE PROGRAMS FOR CHILDREN

Mr. COOLEY. Mr. Speaker, I call up the conference report on the bill S. 3467, "An act to amend the National School Lunch Act, as amended, to strengthen and expand food service programs for children," and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 21, 1966.)

Mrs. MAY. Mr. Speaker, will the distinguished gentleman from North Carolina yield?

Mr. COOLEY. Mr. Speaker, I am delighted to yield to the distinguished gentlewoman from Washington [Mrs. MAY].

(Mrs. MAY asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. MAY. Mr. Speaker, it was my privilege to serve as a conferee with respect to the Child Nutrition Act of 1966, and I feel this is indeed a highly constructive piece of legislation.

This measure is unique in that it blends innovation with prudence, thereby providing the assurance that the ultimate benefactor of the legislation will be the children of America.

It is important to note that this legislation does not in any manner change the school lunch program. It will permit this program to work in the future just as it has in the past and at the level of appropriation set by the Congress.

The Child Nutrition Act, then, adds to the school lunch program. It provides for the continuation of the special milk program for an additional 3 years, the program through which milk at reduced prices is made available to children in schools, summer camps, and similar institutions.

In addition, the measure provides for two new programs. The first, the school breakfast program, would be carried out in substantially the same manner that the schools are now carrying out the lunch and milk programs. I would like to point out, however, that our committee had a great many reservations about going into this new area on anything but an experimental basis, because we wanted to see proof that the program could be wisely and practically applied. We committee members also wanted to be sure that this approach did not in any manner or means interfere with the established school lunch program. It was for that reason that the program was put on a strictly 2-year pilot program.

The second new program would provide schools in low-income areas with funds to acquire equipment for the purpose of establishing, maintaining, and expanding school food service programs. This part of the program will be carried out on a cost-sharing basis with the State and local areas, and it will bring the school food service into areas where children are most in need of it.

Mr. Speaker, this is a good program, and it gives me a great deal of pleasure to know that I have had some small part in seeing it come into being.

Mr. COOLEY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

CONCURRENT RESOLUTION TO CORRECT THE TITLE OF S. 3467

Mr. COOLEY. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 1028) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1028

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 3467) to amend the National School Lunch Act, as amended, to strengthen and expand food service programs for children, the Secretary of the Senate be, and he is hereby, authorized and directed to correct the title so as to read: "An Act to strengthen and expand food service programs for children."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TO PROMOTE INTERNATIONAL TRADE IN AGRICULTURAL COM- MODITIES, TO COMBAT HUNGER AND MALNUTRITION, TO FUR- THER ECONOMIC DEVELOPMENT, AND FOR OTHER PURPOSES

Mr. COOLEY. Mr. Speaker, I call up the conference report on the bill (H.R. 14929), an act to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. COOLEY. Mr. Speaker, I move the call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 334]

Addabbo	Dyal	Irwin
Albert	Edwards, Ala.	Kupferman
Ashley	Evans, Colo.	Leggett
Aspinall	Farnsley	McCarthy
Brock	Fisher	McMillan
Brown, Calif.	Flynt	McVicker
Callaway	Fulton, Tenn.	Macdonald
Celler	Grider	Martin, Ala.
Clark	Gross	Martin, Mass.
Cleveland	Grover	Martin, Nebr.
Corman	Halleck	Morris
Craley	Harvey, Ind.	Morrison
Curtis	Hébert	Morse
Duncan, Oreg.	Hull	Morton

Murray	Rosenthal	Tunney
O'Konski	Schisler	Tupper
Olsen, Mont.	Scott	Walker, Miss.
O'Neill, Mass.	Sickles	Walker, N. Mex.
Ottinger	Sisk	Watkins
Powell	Stanton	Watson
Purcell	Stephens	Weltner
Rees	Stratton	White, Idaho
Reid, N.Y.	Sullivan	Widnall
Reinecke	Sweeney	Willis
Resnick	Teague, Tex.	Wilson, Bob
Rivers, Alaska	Thompson, Tex.	Wolf
Rogers, Tex.	Toll	
Roncalio	Tuck	

The SPEAKER. On this rollcall 346 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. The Clerk will read the statement of the managers on the part of the House.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 23, 1966.)

Mr. COOLEY (interrupting the reading of the statement). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers on the part of the House be dispensed with. I think everyone is familiar with the statement.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The gentleman from North Carolina is recognized for 1 hour.

Mr. COOLEY. Mr. Speaker, I want to make a brief statement.

First I want to say that this is a very, very important bill, which came out of the Committee on Agriculture by a vote of 33 to 2 and passed the House by a vote of 333 to only 20. Our bill was called the Food for Freedom Act of 1966. The Senate bill was called the Food for Peace Act of 1966. We went to conference and we made a diligent effort to retain the House provisions. We had a long discussion, much of it about the name of the bill, which, of course, all of us know stems from Public Law 480, which has operated for 12 years.

Mr. Speaker, under Public Law 480, we have shared our great abundance with less fortunate people in other parts of the world.

Mr. Speaker, hundreds of millions of people in more than 100 nations of this earth have been permitted to share in this great abundance which we have harvested from our own flourishing fields.

Mr. Speaker, I have maintained for many years that bread and butter will be more effective in the cause of peace than bullets, bayonets, and bombs.

Mr. Speaker, this program that we have here under consideration, is a program which more or less embraces that theory, because we are now about to embark upon an entirely different program from the programs which we have exercised in the past.

Mr. Speaker, under the programs of the past we have taken away from production more than 50 million acres of





Public Law 89-686
89th Congress, H. R. 15662
October 15, 1966

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An Act

80 STAT. 975

To amend the Federal Seed Act (53 Stat. 1275), as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 101(a) (1), 101(a) (8) (A) (ii), 101(a) (9) (A) (ii) and 101(a) (10) of the Federal Seed Act (53 Stat. 1275, 1277, 1278; 70 Stat. 908, 7 U.S.C. 1561(a) (1), 1561(a) (8) (A) (ii), 1561(a) (9) (A) (ii), and 1561(a) (10)) are hereby amended by deleting therefrom the words "Alaska" and "Hawaii" and the commas appearing after such words.

Federal Seed
Act, amendment.

SEC. 2. Section 101(a) (7) (A) of said Act (53 Stat. 1276; 72 Stat. 476, 7 U.S.C. 1561(a) (7) (A)) is amended to read as follows:

"(A) 'Agricultural seeds' shall mean grass, forage, and field crop seeds which the Secretary of Agriculture finds are used for seeding purposes in the United States and which he lists in the rules and regulations prescribed under section 402 of this Act."

"Agricultural
seeds."

7 USC 1592.

SEC. 3. Section 101(a) (11) of said Act (53 Stat. 1278; 7 U.S.C. 1561(a) (11)) is amended by substituting for the words "wheat", "oats", "vetch", and "sweetclover" the words "soybean", "flax", "carrot", and "radish."

SEC. 4. Section 201(a) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)) is amended by changing the introductory portion thereof to read as follows:

"(a) Any agricultural seeds or any mixture of agricultural seeds for seeding purposes, unless each container bears a label giving the following information, except as provided in paragraph (j) of this section for seed mixtures intended for lawn and turf purposes, in accordance with rules and regulations prescribed under section 402 of this Act:"

Labeling re-
quirements.
Post, p. 977.

SEC. 5. Section 201(a) (1) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a) (1)) is amended to read as follows:

"(1) The name of the kind or kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: *Provided*, That if any such component is one which the Secretary of Agriculture has determined, in rules and regulations prescribed under section 402 of this Act, is generally labeled as to variety, the label shall bear, in addition to the name of the kind, either the name of such variety or the statement 'Variety Not Stated': *And provided further*, That in the case of any such component which is a hybrid seed it shall, in addition to the above requirements, be designated as hybrid on the label;"

Name of kind,
etc.

SEC. 6. Section 201(a) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)) is amended by adding at the end thereof a new paragraph (10), to read as follows:

"(10) The year and month beyond which an inoculant, if shown in the labeling, is no longer claimed to be effective."

Inoculant.

SEC. 7. Section 201(b) of said Act (53 Stat. 1280, 72 Stat. 476; 7 U.S.C. 1571 (b)) is amended to read as follows:

"(b) Any vegetable seeds, for seeding purposes, in containers, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of this Act:

Vegetable seeds.

"(1) For containers of one pound or less of seed that germinates equal to or above the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

7 USC 1593.

"(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and

further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

“(B) Name and address of—

“(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

“(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce;

“(2) For containers of one pound or less of seed that germinates less than the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

“(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

“(B) For each named kind and variety of seed—

“(i) the percentage of germination, exclusive of hard seed;

“(ii) the percentage of hard seed, if present;

“(iii) the calendar month and year the test was completed to determine such percentages;

“(iv) the words ‘Below Standard’; and

“(C) Name and address of—

“(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

“(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.

“(3) For containers of more than one pound of seed—

“(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each and, further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label;

“(B) Lot number or other lot identification;

“(C) For each named kind and variety of seed—

“(i) the percentage of germination, exclusive of hard seed;

“(ii) the percentage of hard seed, if present;

“(iii) the calendar month and year the test was completed to determine such percentages; and

“(D) Name and address of—

“(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

“(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.”

53 Stat. 1285.

7 USC 1592.

7 USC 1593.

SEC. 8. Clause (b) of section 201(c) of said Act (53 Stat. 1280; 7 U.S.C. 1571(c)) is amended to read as follows:

"(b) a longer period for any kind of agricultural or vegetable seed which is packaged in such container materials and under such other conditions prescribed by the Secretary of Agriculture as he finds will, during such longer period, maintain the viability of said seed under ordinary conditions of handling."

SEC. 9. Section 201(i)(4) of said Act (72 Stat. 477; 7 U.S.C. 1571(i)(4)) is amended to read as follows:

"(4) A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment."

SEC. 10. Section 201 of said Act (53 Stat. 1279; 7 U.S.C. 1571) is amended by adding at the end thereof a new subsection (j) to read as follows:

"(j) Any agricultural seed mixtures intended for lawn and turf seed purposes, in containers of fifty pounds or less, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

Lawn and turf
seed mixtures.

7 USC 1592.

"(1) The headings 'Fine-textured Grasses' and 'Coarse Kinds', and specified in tabular form thereunder in type no larger than the headings, for each lawn and turf seed component present in excess of 5 per centum of the whole or named on the label:

"(i) the name of the kind, or kind and variety,

"(ii) the percentage by weight of each, in order of its predominance under the appropriate heading required above,

"(iii) the percentage of germination of each, exclusive of hard seed,

"(iv) the percentage of hard seed, if present, and

"(v) the calendar month and year the test was completed to determine such percentages.

"(2) The heading 'Other Ingredients', and specified thereunder in type no larger than the heading the following information:

"(A) Percentage by weight of weed seeds, including noxious-weed seeds;

"(B) Percentage by weight of agricultural seeds other than those included under paragraph (1) of this subsection;

"(C) Percentage by weight of inert matter.

"(3) The following additional information:

"(A) Lot number or other identification;

"(B) Kinds of noxious-weed seeds and the rate of occurrence of each, which rate shall be expressed in accordance with and shall not exceed the rate allowed for shipment, movement, or sale of such noxious-weed seeds by the law and regulations of the State into which the seed is offered for transportation or transported, or in accordance with the rules and regulations of the Secretary of Agriculture, when under the provisions of section 101(a)(9)(A)(iii) he shall determine that weeds other than those designated by State requirements are noxious;

7 USC 1561.

"(C) Name and address of—

"(i) the person who transports, or delivers for transportation, said seed in interstate commerce, or

"(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secre-

7 USC 1592.

tary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce."

SEC. 11. Section 202 of said Act (53 Stat. 1281, 72 Stat. 477; 7 U.S.C. 1572) is amended by inserting the word "treatment" followed by a comma immediately preceding the word "germination" wherever said word appears in said section.

SEC. 12. (a) Section 203(d) of said Act (53 Stat. 1282; 7 U.S.C. 1573(d)) is amended to read as follows:

Unidentified
seeds.

Ante, p. 975.

"(d) The provisions of sections 201 (a) and (b) relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or kind and variety of seeds shall not be deemed violated if there are seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the seeds to be that stated.

(b) Section 203 of said Act is amended by adding at the end thereof a new subsection (e) reading as follows:

Treatment sub-
stance.

7 USC 1571.

"(e) The provisions of section 201(i) relative to the labeling of agricultural and vegetable seeds with the name of any substance used in the treatment of seeds shall not be deemed violated if the substance or substances used in such treatment could not be or were not identified because of their indistinguishability from the substance or substances intended to be used in the treatment of the seeds: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclosed that said person has taken reasonable precautions to insure the identity of the substance or substances to be as stated."

Importation
prohibitions.

SEC. 13. Section 301(a)(4) of said Act (72 Stat. 478; 7 U.S.C. 1581(a)(4)) is amended to read as follows:

"(4) any seed containing 10 per centum or more of any agricultural or vegetable seeds, unless the invoice pertaining to such seed and any other labeling of such seed bear a lot identification and the name of each kind and variety of vegetable seed present in any amount and each kind or kind and variety of agricultural seed present in excess of 5 per centum of the whole, and unless in the case of hybrid seed present in excess of 5 per centum of the whole it is designated as hybrid."

SEC. 14. Section 301(a) of said Act (53 Stat. 1282; 7 U.S.C. 1581(a)) is further amended by adding at the end thereof a new paragraph (5) to read as follows:

"(5) any agricultural seeds or any mixture thereof, or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

"(A) A word or statement indicating that the seeds have been treated;

"(B) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

"(C) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as 'Do not use for food or feed or oil purposes': *Provided*, That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as 'This seed has been treated with POISON', in red letters on a background of distinctly contrasting color; and

"(D) A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment."

SEC. 15. Section 302(a) of said Act (53 Stat. 1283, 72 Stat. 478; 7 U.S.C. 1582(a)) is amended by inserting after the first sentence thereof the following sentence:

80 STAT. 978

80 STAT. 979

Importation
procedures.

"The Secretary of Agriculture may apply statistical sampling and inspection techniques to said samples and screenings to determine whether the pure-live seed requirement of any kind of seed is being met, in which case, he shall advise the importer of each lot of seed not examined for pure-live seed percentage."

SEC. 16. Section 302(d) of the Act (72 Stat. 479; 7 U.S.C. 1582(d)) is amended by adding at the end thereof a new paragraph (3) reading as follows:

"(3) when seed not meeting the pure-live seed requirements of section 304 of this title will not be sold within the United States and will be used for seed production only by or for the importer or consignee: *Provided*, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee."

7 USC 1592.

SEC. 17. Section 302 of said Act (53 Stat. 1283, 72 Stat. 479, 7 U.S.C. 1582) is further amended by adding at the end thereof a new paragraph (e) reading as follows:

"(e) The provisions of this title requiring certain seeds to be stained shall not apply when such seed will not be sold within the United States and will be used for seed production only by or for the importer or consignee: *Provided*, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee."

SEC. 18. Section 304 of said Act (53 Stat. 1284, 7 U.S.C. 1584) is amended to read as follows:

"SEC. 304. Seed subject to the provisions of section 301 is unfit for seeding purposes: (a) if any such seed contains noxious-weed seeds, or (b) if any such seed contains more than 2 per centum by weight of weed seeds, or (c) if any such seed contains less than 75 per centum of pure-live seed, or if any component of such seed present to the extent of 10 per centum or more contains less than 75 per centum of live seed: *Provided*, That when the Secretary of Agriculture shall find

Seed unfit
for seeding
purposes.
7 USC 1581.

that any such seed or any kind of seed present to the extent of 10 per centum or more cannot be produced to contain 75 per centum of pure-live seed, he may set up such standards from time to time for pure-live seed as he finds can be produced and seed conforming to such standards shall not be deemed to be unfit for seeding purposes."

SEC. 19. Section 101(a)(4) of said Act (53 Stat. 1275, 7 U.S.C. 1561(a)(4)) is amended by inserting the word "treatment," before the word "variety".

Approved October 15, 1966.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 2042 (Comm. on Agriculture).

SENATE REPORT No. 1632 (Comm. on Agriculture & Forestry).

CONGRESSIONAL RECORD, Vol. 112 (1966):

Sept. 19: Considered and passed House.

Sept. 26: Considered and passed Senate, amended.

Oct. 5: House concurred in Senate amendments.

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